

IBN QAYYIM AL-JAWZIYYA

(691 - 751 H. = 1292 - 1350 J.C.)

ZĀD AL-MA'ĀD

PROVISIONS OF THE AFTERLIFE

WHICH LIE WITHIN PROPHETIC GUIDANCE

زَادُ الْمَعَادِ

فِي

مَسْأَلَةِ خَيْرِ الْعِبَادَةِ

Translation

Ismail Abdus Salaam





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**PROVISIONS OF THE AFTERLIFE
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زاد المعاد
في هدي خير العباد

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***In The Name Of Allaah, Most Gracious,
Most Compassionate***

Translator's Foreward

The title of this book is Provisions Of The Afterlife which implies that it contains what a traveler requires during his lifelong journey. For this reason, it illustrates the guidance of The Chosen One (may Allaah send salutations upon him). In fact, the account which it provides is quite comprehensive.

The legal value of Provisions Of The Afterlife also deserves mention. Namely, it is a valuable source of advanced fiqh, and the arguments which lie therein are highly impressive. However, this is only natural since the author was an absolute mujtahid.

Provisions Of The Afterlife is a gem whose value is even greater in the English speaking world. With that being said, may this work be a blessed one.

Ismail Abdus Salaam

In The Name Of Allaah, Most Gracious,

Most Compassionate

Allaah Is Sufficient For Me And Is The Best Planner

May assistance be granted, and may Allaah send salutations upon our master Muhammad and his noble family.

Praise belongs to Allaah the sustainer of all that exists. The reverent deserve recompense while the unjust deserve enmity. There is no deity worthy of worship except Allaah the maintainer of the heavens and earth and ruler of the day of recompense. Success can only be achieved through obedience to him and honor can only be achieved through subservience to him. Only one who seeks his mercy is rich, and only one who depends upon his light is guided. Life cannot be enjoyed by one who displeases him and joy cannot be experienced by one who is far from him, and a heart is only well when one worships him sincerely.

Praise belongs to Allaah whose lordship and divinity have been affirmed by his entire creation, and he is without partner in this regard. His essence, actions, and attributes are unique. He is the greatest who deserves much praise. May he be glorified during the morning and late afternoon.

The entire creation glorifies Allaah: **{all that exists glorifies him, though you do not comprehend their glorification}** [Al Israa/44].

﴿تَسْبِيحُ لَهُ السَّمَوَاتُ السَّبْعُ وَالْأَرْضُ وَمَنْ فِيهِنَّ وَإِنْ مِنْ شَيْءٍ إِلَّا يُسَبِّحُ بِحَمْدِهِ وَلَكِنْ لَا تَفْقَهُونَ

تَسْبِيحَهُمْ إِنَّهُ كَانَ حَلِيمًا غَفُورًا ﴿١١﴾ [الإسراء: 44]

I declare that there is no deity worthy of worship except Allaah who is without partner. He has created and has sent messengers for the sake of this statement which is the criterion of belief, disbelief, piety, and iniquity.

Swords are drawn for the sake of this statement which is the key to the abode of peace, and servants will be questioned about it. They will be asked what they worshipped and how they responded to the messengers. The first question may be answered by one who has fulfilled the demands of this statement, and the second question may be answered by one who has fulfilled the demands of the statement which follows it, namely that Muhammad is the messenger of Allaah.

I declare that Muhammad is the servant and messenger of Allaah who was sent as a mercy to man. He is the leader of the reverent and a testimony against all creation.

‘Abdullaah Bin ‘Umar (may Allaah be pleased with him) has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (I have been sent before the hour with the sword so that Allaah may be worshipped alone, and my sustenance has been placed in the shade of my

spear. Whoever defies me will be disgraced, and whoever resembles a people is one of them). Narrated by Ahmad.

Those who defy him are disgraced while those who obey him are honored. Allaah the glorified has said: **{do not become despondent for you are superior}** [Aalu 'Imraan/139]

﴿وَلَا تَهِنُوا وَلَا تَحْزَنُوا وَأَنْتُمُ الْأَعْلَوْنَ إِنْ كُنْتُمْ مُؤْمِنِينَ﴾ [ال عمران: 139]

{supremacy belongs to Allaah, his messenger, and the believers} [Al Munaafiqoon/8]

﴿وَلِلَّهِ الْعِزَّةُ وَلِرَسُولِهِ وَلِلْمُؤْمِنِينَ﴾ [المنافقون: 8]

{do not become despondent and surrender for you are superior} [Muhammad/35]

﴿فَلَا تَهِنُوا وَتَدْعُوا إِلَى السَّلَامِ وَأَنْتُمُ الْأَعْلَوْنَ وَاللَّهُ﴾ [محمد: 35]

{O prophet, Allaah is sufficient for you and your believing followers} [Al Anfaal/64]

﴿يَتَأَيُّهَا النَّبِيُّ حَسْبُكَ اللَّهُ وَمَنِ اتَّبَعَكَ مِنَ الْمُؤْمِنِينَ﴾ [الأنفال: 64]

{if they wish to deceive you, Allaah is sufficient for you. It is he who has aided you and the believers} [Al Anfaal/62].

﴿وَلِنْ يُرِيدُوا أَنْ يَخْدَعُوكَ فَإِنَّ حَسْبَكَ اللَّهُ هُوَ الَّذِي أَيْدَكَ بِنَصْرِهِ﴾

﴿وَبِالْمُؤْمِنِينَ﴾ [الأنفال: 62]

There is a difference between aid and sufficiency, thus Allaah has mentioned them separately. He has also praised his servants who worship him alone and rely upon him by mentioning them exclusively in terms of his adequacy.

{those to whom it was said: the people have united against you, so fear them. This increased their faith and they said: Allaah is sufficient for us and is the best planner} [Aalu 'Imraan/173].

﴿الَّذِينَ قَالَ لَهُمُ النَّاسُ إِنَّ النَّاسَ قَدْ جَبَعُوا لَكُمْ فَاخْشَوْهُمْ فَزَادَهُمْ إِيمَانًا وَقَالُوا حَسْبُنَا

﴿اللَّهُ وَنِعَمَ الْوَكِيلُ﴾ [ال عمران: 173]

They did not say: Allaah and his messenger are sufficient for us, and the lord praised them for this, so how could he say to his messenger (may Allaah and send salutations upon him) : Allaah and your followers are sufficient for you?

Similarly, the most high has said: **{if they were content with what Allaah and the messenger gave them and said: Allaah is sufficient for us, they would give to us}** [At Tawba/59].

﴿وَلَوْ أَنَّهُمْ رَضُوا مَا آتَاهُمُ اللَّهُ وَرَسُولُهُ وَقَالُوا حَسْبُنَا اللَّهُ سَيُؤْتِينَا اللَّهُ مِنْ فَضْلِهِ

وَرَسُولُهُ إِنَّا إِلَى اللَّهِ رَاغِبُونَ﴾ [التوبة: 59]

Consider how he has reserved giving for the messenger and himself while reserving sufficiency for himself only.

Allaah the glorified has made the joy of this life and the next dependant upon obedience to the prophet (may Allaah send salutations upon him). Consequently, his followers are successful while his opponents are miserable.

The prophet (may Allaah send salutations upon him) has sworn saying: (not one of you believes until I become dearer to him than all people). Narrated by Al Bukhaaree and Muslim.

Allaah the glorified has sworn that one who does not seek and accept the judgement of the prophet (may Allaah send salutations upon him) is not a believer.

He has said: **{once Allaah and his messenger have made a decision, a believer has no alternative}** [Al Ahzaab/36].

﴿وَمَا كَانَ لِمُؤْمِنٍ وَلَا مُؤْمِنَةٍ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ

لَهُمْ خِيَرَةٌ مِنْ أَمْرِهِمْ﴾ [الاحزاب: 36]

Conversely, one may or may not accept the statements of the learned. As a result, one who does not accept a statement of theirs has not disobeyed Allaah and his messenger.

This nation is not obliged to follow statements and principles unless they agree with what the messenger of Allaah (may Allaah send salutations upon him) has brought, though when conformity and divergence are unclear, they are merely acceptable.

Allaah the glorified has said about the disbelievers who sought an alternative: **{they said: if only the Qur'aan was sent to a great man from these two villages. Do they distribute the mercy of your lord? We have allocated their wealth and life span and have raised some above others so that one may serve another}** [Az Zukhruf/31-32].

﴿وَقَالُوا لَوْلَا نَزَلَ هَذَا الْقُرْآنُ عَلَى رَجُلٍ مِّنَ الْفَرِيقَيْنِ عَظِيمٍ﴾

أَهُمْ يَقْسِمُونَ رَحْمَتَ رَبِّكَ حٰنُّنٌ قَسَمْنَا بَيْنَهُمْ مَّعِيشَتَهُمْ فِي الْحَيَاةِ الدُّنْيَا

وَرَفَعْنَا بَعْضَهُمْ فَوْقَ بَعْضٍ دَرَجَاتٍ لِّيَتَّخِذَ بَعْضُهُمْ بَعْضًا سُلَخِيًّا ۖ وَرَحِمْتَ رَبِّكَ خَيْرٌ مِّمَّا

تَجْمَعُونَ﴾ [الزخرف: 31-32]

The glorified has denied them an alternative and has informed us that only he may distribute. He allocates his grace for those who are deserving

and only he may do this. Consequently, this verse illustrates that only he may create and select.

The most high has said: **{when they receive a miraculous sign, they say: we will not believe until we are granted what the messengers of Allaah have been granted, though Allaah knows best where his message belongs}** [Al An'aam/124].

﴿ وَإِذَا جَاءَتْهُمْ ءَايَةٌ قَالُوا لَنْ نُؤْمِنَ حَتَّى نُؤْتَىٰ مِثْلَ مَا أُوتِيَ رُسُلُ اللَّهِ ۗ اللَّهُ أَعْلَمُ

حَيْثُ يَجْعَلُ رِسَالَتَهُ ۗ ﴾ [الانعام: 124]

The most high has said: **{on the day when he will ask: how did you respond to the messengers? They will have no defense and will not question each other. As for he who repents, believes, and does good, it is likely that he will succeed, and your lord creates what he pleases and then he selects}** [Al Qasas/65-68].

﴿ وَيَوْمَ يُنَادِيهِمْ فَيَقُولُ مَاذَا أَجَبْتُمُ الْمُرْسَلِينَ ۚ ﴾ فَعَمِيَّتْ عَلَيْهِمُ الْأَنْبَاءُ يَوْمَئِذٍ فَهُمْ لَا

يَتَسَاءَلُونَ ۚ ﴿ ۝ فَأَمَّا مَنْ تَابَ وَءَامَنَ وَعَمِلَ صَالِحًا فَعَسَىٰ أَنْ يَكُونَ مِنَ الْمُفْلِحِينَ ۚ

﴿ ۝ وَرَبُّكَ يَخْلُقُ مَا يَشَاءُ وَيَخْتَارُ ۚ ﴾ [القصص: 65-68]

The glorified has created them by himself and has selected those who repent, believe, and do good. Consequently, they are his chosen servants, and this choice is based upon knowledge and wisdom.

The Selection Of Allaah

If you were to analyze creation, you would realize that selection is an indication of the solitude, lordship, knowledge, wisdom, and power of the most high, and the effects of this selection are some of the greatest signs in this regard.

Allaah has created seven heavens and has selected the uppermost heaven as an abode for angels whom he has chosen to dwell near his throne and footstool. Consequently, this heaven is distinguished.

Similarly, the glorified has distinguished the garden of Firdaws by placing his throne upon it, and it has been said that he has cultivated it by hand and has reserved it for his chosen servants.

He has selected angels such as Jibreel, Meekaa'eel, and Israafeel, and the prophet (may Allaah send salutations upon him) has said: (O Allaah, lord of Jibreel, Meekaa'eel, and Israafeel, creator of the heavens and earth who knows the unseen. You are an arbitrator for your servants. Guide me in times of disagreement, and you guide whom you please to the straight path). Narrated by Muslim.

He has mentioned these angels because of their nearness to Allaah, but there are many angels who have not been named. Jibreel is entrusted with revelation which is the life source of hearts and souls. Meekaa'eel is entrusted with rain which is the life source of animals and vegetation, and Israafeel is entrusted with the horn which will revive the dead and exhume them from their graves with the permission of Allaah.

He has selected 124, 000 prophets and 313 messengers (may Allaah send salutations upon them) according to the prophetic tradition of Aboo Dharr which Ahmad and Ibn Hibbaan have narrated. Allaah has mentioned five prophets in the Qur'aan saying: **{when we received a pledge from you, Nooh, Ibraaheem, Moosa, 'Eesa Bin Maryam and other prophets}** [Al Ahzaab/7].

﴿وَإِذْ أَخَذْنَا مِنَ النَّبِيِّينَ مِيثَاقَهُمْ وَمِنْكَ وَمِنْ نُوحٍ وَإِبْرَاهِيمَ وَمُوسَىٰ وَعِيسَى ابْنِ مَرْيَمَ﴾ [الأحزاب: 7]

Allaah selected Ibraaheem and Muhammad to be his intimate friends.

He has selected the progeny of Ismaa'eel, and from this progeny he has selected Banoo Kinaana via Khuzayma, and from this progeny he has selected Quraysh, and from this progeny he has selected Banoo Haashim, and from this progeny he has selected Muhammad the master of humanity (may Allaah send salutations upon him).

He has selected the companions and has given special preference to the first of them as well as those present during Badr and Ar Ridwaan. He has chosen the most complete religion, the greatest law, and the finest conduct.

He has selected this nation, and Bahz Bin Hakeem Bin Mu'aawiya Bin Hayda, his father, and his grandfather have narrated that the messenger of

Allaah (may Allaah send salutations upon him) has said: (you are the best of seventy nations to Allaah). Declared authentic by Ahmad and 'Alee Bin Al Madeenee.

The effects of this selection are reflected in the faith, character, actions, and status of the companions, and Burayda Bin Al Haseeb Al Aslamee has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (the people of paradise will stand in 120 rows, eighty of which will be reserved for this nation). At Tirmidhee has said: an authentic (hasan) prophetic tradition.

Aboo Sa'eed Al Khudree has narrated that the prophet (may Allaah send salutations upon him) has said: (by he in whose hand is my soul, I indeed hope that you will constitute one half of paradise). Narrated by Al Bukhaaree and Muslim.

Either this prophetic tradition is more reliable, or the prophet (may Allaah send salutations upon him) later said: (they will constitute eighty of the 120 rows of paradise) , thus there is no contradiction, and Allaah knows best.

He has granted this nation unprecedented knowledge and clemency, and Aboo Ad Dardaa has said: I have heard Aboo Al Qasim (may Allaah send salutations upon him) say: (Allaah the most high said to 'Eesa Bin Maryam: I will bring forth a nation who will be grateful when blessed and patient when tried, but they will have no knowledge or clemency? He asked: O lord, how could this be without knowledge and clemency? He replied: I will grant them my knowledge and clemency). Narrated by Ahmad.

The Virtue And Uniqueness Of Makka

He has chosen the sacred land for his prophet (may Allaah send salutations upon him) and has obliged his servants to come to it from far and near, and they arrive in submissive reverence with their heads uncovered having shed their normal attire.

He has made this land a sanctuary and has chosen paradise as a reward for those who come there. Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (if one comes to this house and is not sinful or sexually active, he will return like a newborn). Narrated by Al Bukhaaree and Muslim.

Aboo Hurayra (may Allaah be pleased with him) has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (a successive 'umra is an expiation, and the reward of pilgrimage is paradise). Narrated by Al Bukhaaree and Muslim.

The secure land is the dearest abode to Allaah, thus he has obliged his servants to come there. He has sworn by it saying: **{and this secure land}** [At Teen/3].

﴿وَهَذَا الْبَلَدِ الْأَمِينِ﴾ [التين: 3]

There is no place on earth which one is obliged to come to if able. Furthermore, it is only the black stone which is kissed and saluted, and sins fall at the Yemeni corner.

‘Abdullaah Bin Az Zubayr has narrated that the prophet (may Allaah send salutations upon him) has said: (a prayer performed in my masjid is greater than 1000 prayers performed elsewhere, and a prayer performed in Al Masjid Al Haraam is 100 times greater than a prayer performed in my masjid). Narrated by An Nasaa’ee.

‘Abdullaah Bin ‘Adee Bin Al Hamraa has narrated that he has heard the messenger of Allaah (may Allaah send salutations upon him) say: (by Allaah, you are the dearest land to him, and I would not have left you had I not been expelled). Narrated by At Tirmidhee who has said: an authentic (hasan saheeh) prophetic tradition.

The sacred land is the only qibla on earth and is the only place which a person may not face or turn his back to while answering a call of nature.

The most accurate position in this regard is that there is no difference between answering a call of nature while inside or outside due to evidence which I have mentioned elsewhere.

Al Masjid Al Haraam is the first masjid, and Aboo Dharr has said: I asked the messenger of Allaah (may Allaah send salutations upon him) about the first masjid, so he replied: (it is Al Masjid Al Haraam). I asked: and then which masjid? He replied: (Al Masjid Al Aqsa). I asked: when was Masjid Al Aqsa built? He replied: (forty years later). Agreed upon.

This prophetic tradition has been problematic for those who do not know the intent. They say: it is known that Sulaymaan Bin Daawud is the one who built Al Masjid Al Aqsa, though he was born more than 1000 years after Ibraaheem.

Rather, it was Sulaymaan Bin Daawud who restored Al Masjid Al Aqsa and Ya’qoob Bin Ishaq who established it.

He has informed us that the sacred land is the mother of all villages. Similarly, the prophet (may Allaah send salutations upon him) has informed us that Al Faatiha is the mother of the Qur’aan, hence the former and latter are unparalleled.

One who does not enter the sacred land on a regular basis is obliged to enter in a state of ihraam, and it has been narrated that Ibn ‘Abbaas (may Allaah be pleased with them) has said: (one must enter Makka in a state of ihraam, even if he is a resident). However, there are unreliable narrators within this chain.

Jurists hold three positions in this regard, thus the preceding view has been accepted, rejected, and interpreted. Some jurists hold that if a person is

outside the boundary, he may not proceed without entering a state of ihraam. Whereas, one who is within it may be judged as a resident of Makka. This is the position of Aboo Haneefa while the first two positions have been held by Ahmad and Ash Shaafi'ee.

One may be punished for considering wrongdoing upon the sacred land. The most high has said: **{if one considers wrongdoing there, we will punish him severely}** [Al Hajj/25].

﴿وَمَنْ يُرِدْ فِيهِ بِالْحَكَامِ يُظْلَمِ نَفْسَهُ مِنْ عَذَابِ إِلَهٍ﴾ [الحج: 25]

Wrongdoing upon the sacred land is greater than wrongdoing elsewhere, and one who defies a king nearby is unlike one who defies him from afar.

The attraction of the sacred land is stronger than magnetism, hence multitudes proceed in the face of adversity to reach there.

The glorified and most high has said: **{purify my house}** [Al Hajj/26].

﴿وَطَهِّرْ بَيْتِي﴾ [الحج: 26]

Allaah has attributed the house to himself, thus it is honored, and he has honored his messenger (may Allaah send salutations upon him) and servants in the same fashion. Consequently, whatever Allaah ascribes to himself is distinguished.

The most high has said: **{when they receive a miraculous sign, they say: we will not believe until we are granted what the messengers of Allaah have been granted, though Allaah knows best where his message belongs}** [Al An'aam/124].

﴿وَإِذَا جَاءَتْهُمْ آيَةٌ قَالُوا لَنْ نُؤْمِنَ حَتَّى نُؤْتَىٰ مِثْلَ مَا أُوتِيَٰ

رُسُلُ اللَّهِ اللَّهُ أَعْلَمُ حَيْثُ يَجْعَلُ رِسَالَتَهُ﴾ [الأنعام: 124]

The message cannot be relayed by anyone, and Allaah knows best where it belongs. However, this would not be so if all were equal.

The most high has said: **{we tried them so that they would say: Allaah has chosen to bless them, but is Allaah unaware of those who are grateful?}** [Al An'aam/53].

﴿وَكَذَٰلِكَ فَتَنَّا بَعْضَهُم بِبَعْضٍ لِّيَقُولُوا أَهَٰؤُلَاءِ مَنَّ اللَّهُ عَلَيْهِمْ مِنْ بَيْنِنَا أَلَيْسَ اللَّهُ

بِأَعْلَمَ بِالشَّاكِرِينَ﴾ [الأنعام: 53]

The glorified knows best who is grateful, thus he chooses to bless him.

Allaah selects persons, places, and things due to their unique characteristics. Consequently, it is clearly erroneous to hold that the sacred house and the black stone are ordinary in essence but are distinct due to external factors. Although various entities share a common denominator, they differ in terms of their characteristics, thus Allaah does not hold that musk and urine are equal.

The difference between esteemed persons and places is far greater. Consequently, the difference between Moosa and Fir'awn is far greater than the difference between musk and dung, and the difference between the ka'ba and a castle is far greater than the difference between ordinary places. As a result, one cannot consider two places equal in essence while claiming that one of them is distinguished due to the worship which occurs there.

A refutation has not been intended, but rather a depiction, and the intelligent and objective may judge for themselves. Allaah the glorified is preferential for a reason which necessitates his choice, and he has said: **{your lord creates what he pleases and then he selects}**.

﴿وَرَبُّكَ يَخْلُقُ مَا يَشَاءُ وَيَخْتَارُ﴾ [القصص: 68]

The Virtue Of The First Ten Days Of Dhool Hijja

He has chosen certain days and months, and the prophet (may Allaah send salutations upon him) has said: (the best day to Allaah is the day of sacrifice). Narrated by Aboo Daawud. It has been said that the day of 'Arafa is greater, and this is held by the students of Ash Shaafi'ee. They say it is the day of the major pilgrimage and one who fasts is forgiven for two years. They also say that Allaah emancipates more servants during this day than he does at any other time and that he boasts before the angels of those who stand. However, the truth is found in the previously mentioned prophetic tradition which is uncontested, and the most high has said: **{an announcement from Allaah and his messenger on the day of the major pilgrimage}** [At Tawba/3].

﴿وَأَذِّنْ مِنْ اللَّهِ وَرَسُولِهِ إِلَى النَّاسِ يَوْمَ الْحَجِّ الْأَكْبَرِ﴾ [التوبة: 3]

Furthermore, it has appeared in the two authentic collections that Aboo Bakr and 'Alee made this announcement on the day of sacrifice and not on the day of 'Arafa.

The day of 'Arafa is an introduction which involves standing and obedience, and the day of sacrifice involves visitation. The tawaaf of this day is entitled tawaaf az ziyaara, because those present have purified themselves on the day of 'Arafa and their lord has granted them permission to visit him. Based upon this, most rituals take place during this day.

Ibn 'Abbaas (may Allaah be pleased with them) has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (no deed is dearer to Allaah than one performed during these ten days). Others asked: not even jihaad for the sake of Allaah? He replied: (only if one loses his life and wealth). Narrated by Al Bukhaaree.

Allaah has sworn by these days saying: **{by the dawn and the ten nights}** [Al Fajr/1-2].

﴿وَالْفَجْرِ ۝١ وَلَيَالٍ عَشْرٍ ۝٢﴾ [الفجر: 2]

The prophet (may Allaah send salutations upon him) has said: (utter the takbeer, tahleel, and tahmeed frequently during these days). Narrated by At Tabaraanee.

Similarly, Ramadaan and the last ten nights are the greatest of months and evenings, and the night of power is better than 1000 months.

The Night Of Power And The Night Journey

If it were asked: which days are greatest: the first ten days of Dhool Hijja, or the last ten days of Ramadaan?

If it were asked: which night is greatest: the night of power, or the night journey?

I would respond as follows: the last ten nights of Ramadaan are greater than the first ten nights of Dhool Hijja, and the first ten days of Dhool Hijja are greater than the last ten days of Ramadaan. The last ten nights of Ramadaan are distinguished due to the night of power, and the first ten days of Dhool Hijja are distinguished due to the days of sacrifice, 'Arafa, and tarwiya.

Shaykhul Islaam Ibn Taymiyya (may Allaah the magnificent have mercy upon him) was questioned about a man who says that the night journey is greater than the night of power and a man who says the opposite.

He responded as follows: as for the former view, it is erroneous and unfounded. There is no reliable evidence which mentions the approximate date of this journey. As for the night of power, the prophet (may Allaah send salutations upon him) has said: (seek the night of power during the last ten nights of Ramadaan) (if one stands faithfully during the night of power seeking a reward, his previous sins will be forgiven). Narrated by Bukhaaree and Muslim.

In addition, the glorified has informed us that the Qur'aan was revealed during the night of power and that it is better than 1000 months.

Despite the greatness of the night journey, the time and location have not been designated for worship. In fact, this applies to the time and location of the first revelation as well. Those who designate time and location for worship are like the Christians who celebrate Christmas.

'Umar Bin Al Khattaab saw a group racing to reach a place of prayer, so he asked: what is this? They replied: this is where the messenger of Allaah (may Allaah send salutations upon him) prayed. He asked: do you wish to pray upon the footsteps of your prophets? !This is what ruined those before you.

Some have said: the night journey is greater than the night of power in relation to the prophet (may Allaah send salutations upon him) while the reverse holds true in relation to us.

The Virtue Of The Major Pilgrimage

Which is greater, Jumu'a or 'Arafa? Some scholars have chosen Jumu'a, because Aboo Hurayra (may Allaah be pleased with him) has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (the sun does not rise or set upon a day greater than Jumu'a). Narrated by Ibn Hibbaan.

Al Qaadee Aboo Ya'la has narrated that Ahmad has considered the eve of Jumu'a to be greater than the night of power. In reality, Jumu'a is the greatest day of the week while 'Arafa, the day of sacrifice, the eve of Jumu'a, and the night of power are the greatest days of the year. Consequently, those who stand upon 'Arafa on Jumu'a are distinguished for the following reasons:

1. In this case, two of the greatest days coincide.
2. There is a time during this day when supplications are answered, and most statements indicate that it is the final hour of the afternoon prayer.
3. This is when the prophet (may Allaah send salutations upon him) stood.
4. People from all over the world gather for the Jumu'a sermon and prayer as well as the standing of 'Arafa.
5. Jumu'a is a day of celebration, and so is 'Arafa for residents. As a result, it is disliked that one fast within that locale. Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) forbade that one fast during the day of 'Arafa while residing there. Narrated by An Nasaa'ee. There is an unknown narrator within this chain, but Umm Al Fadl has narrated that the prophet (may Allaah send salutations upon him) drank milk during the day of 'Arafa as is found in the authentic collection.

Some have said that it is desireable for one to avoid fasting during the day of 'Arafa so that he may supplicate with vigor. However, Shaykhul Islaam and others have said that this is a day of celebration for residents, hence fasting is undesirable. This is supported by the following prophetic tradition which has appeared in the Sunan: (the days of 'Arafa, Mina, and sacrifice are our holidays people of Islaam).

Our teacher has said: rather, the day of 'Arafa is a day of celebration for residents. Whereas, the day of sacrifice is a day of celebration for non-residents due to their assembly. It is intended that when Jumu'a and 'Arafa coincide, two celebrations converge.

6. Allaah the most high completed his religion on this day, and Taariq Bin Shihaab has said: a Jew came to 'Umar Bin Al Khatthaab and said: O commander of the faithful, there is a verse which you recite, if it were revealed to us and we knew the date, it would become a holiday. 'Umar asked: which verse? The Jew replied: **{I have completed your religion for you this day}** [Al Maaida/3].

﴿الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتِمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيتُ لَكُمُ الْإِسْلَامَ دِينًا﴾ [المائدة: 3]

'Umar said: I indeed know when and where this verse was revealed. The messenger of Allaah (may Allaah send salutations upon him) received it upon 'Arafa on Jumu'a as we stood with him. Narrated by Al Bukhaaree and Muslim.

7. The prophet (may Allaah send salutations upon him) has said: (the best day which the sun has risen and set upon is Jumu'a. This is the day when Aadam was created and placed in paradise, and it is also the day when he was expelled from it. The final hour will fall on this day, and there is an hour therein where a servant is granted whatever good he seeks). Narrated by Aboo Daawud.

As a result, Allaah the glorified and most high has given his servants a day to reflect upon the beginning and the end.

The prophet (may Allaah send salutations upon him) would recite As Sajda and Al Insaan during the dawn prayer, because they mention what has happened and what will happen on Jumu'a. In this fashion, a servant would remember 'Arafa and the resurrection.

8. People are more obedient on Jumu'a and the night which precedes it than they are during the rest of the week. In fact, the majority of those who are sinful honor Jumu'a and believe that if one disobeys Allaah the magnificent that day, his punishment will not be delayed.

9. The people of paradise will be placed in a valley on Jumu'a and will behold their blessed lord, and those who were closest to the imaam will be closest to Allaah.

10. Allaah says to his angels on the day of 'Arafa: (you have witnessed that I have forgiven them). Narrated by Al Bukhaaree and Muslim. Once Allaah the blessed and most high descends upon those standing, an hour approaches where he answers every righteous prayer.

Allaah grants two types of nearness on this day, namely an assured response and the pride which he displays before his angels due to his servants.

As for laypeople who hold that this day is equal to pilgrimage performed seventy-two times, their claim is completely unfounded, and Allaah knows best.

Actions Which Allaah The Most High Has Chosen

Allaah the glorified and most high chooses the best of creation, and he is good and only loves what is good.

Good only befits one who is good, and only good is pleasing to him. It is the finest of deeds which are dear to him, or those which intellect, natural disposition, and prophetic law have considered as such.

Similarly, it is the finest of character which is pleasing to him, or that

which intellect, natural disposition, and prophetic law have considered as such.

He only chooses the finest of foods, or those which are lawful and nutritious.

He only chooses the finest of companions, or those whom Allaah the most has mentioned when he said: **{the good whom the angels address upon death saying: enter paradise as a result of your actions}** [An Nahl/32].

﴿الَّذِينَ نُوفِّهُمْ الْمَلَائِكَةُ طَيِّبِينَ يَقُولُونَ سَلَامٌ عَلَيْكُمْ ادْخُلُوا الْجَنَّةَ بِمَا

كُنتُمْ تَعْمَلُونَ﴾ [النحل: 32]

The angels will also say to them: **{peace be upon you who were good. Enter paradise and dwell eternally}** [Az Zumar/73].

﴿سَلَامٌ عَلَيْكُمْ طَبَقُوهَا خَالِدِينَ﴾ [الزمر: 73]

The most high has said: **{bad women befit bad men and bad men befit bad women, and good women befit good men and good men befit good women}** [An Noor/26].

﴿الْخَبِيثَاتُ لِلْخَبِيثِينَ وَالْخَبِيثُونَ لِلْخَبِيثَاتِ وَالطَّيِّبَاتُ لِلطَّيِّبِينَ وَالطَّيِّبُونَ لِلطَّيِّبَاتِ﴾ [النور: 26]

Similarly, good speech and good deeds befit good people, and bad speech and bad deeds befit bad people.

There is an abode which is reserved for the good, and this is paradise. There is an abode which is reserved for the bad, and this is the fire, and there is an abode where the good and bad exist together, and this is the world in which we live.

Allaah will separate the good from the bad on the day of resurrection by placing them in two different abodes.

Allaah the most high has said: **{they swore fervently that Allaah would not resurrect the dead, though he will indeed do so, but most are unaware. May you inform them of their discrepancy and may they know that they were liars}** [An Nahl/38-39].

﴿وَأَقْسَمُوا بِاللَّهِ جَهْدَ أَيْمَانِهِمْ لَا يَبْعَثُ اللَّهُ مَنْ يَمُوتُ بَلَى وَعْدًا عَلَيْهِ حَقٌّ وَلَكِنَّ أَكْثَرَ النَّاسِ لَا

يَعْلَمُونَ﴾ [النحل: 38]

﴿لَيْسَ لَهُمُ الَّذِي يُخْتَلَفُونَ فِيهِ وَلَيَعْلَمَنَّ الَّذِينَ كَفَرُوا أَنَّهُمْ كَانُوا كَاذِبِينَ﴾ [النحل: 39]

The point is this, the good befit the good, and their deeds are only good. Whereas, the bad befit the bad, and their deeds are only bad. Their tongues and limbs reveal the content of their hearts, though good and evil can exist within man simultaneously. However, it is the predominant force which

decides his status. If Allaah wishes him well, he will purify him before death, thus he will not need purification by fire. Rather, he is cleansed through sincere repentance, good deeds, and adversity such that he will reach Allaah sinless.

Conversely, there are those whom Allaah does not purify. Rather, he places them in the fire as a means of purification. Once they are cleansed, they may dwell amongst him.

As for the polytheist, he is vile by nature, thus he would remain as such after entering the fire. As a result, Allaah has denied him paradise.

As for the believer, the fire may not touch him, because he is already pure.

Natural disposition and intellect testify that Allaah is the wisest of judges, the maintainer of all that exists, and the only deity worthy of worship.

The Messengers Are Indispensable

It is imperative that a servant knows the messenger and his guidance, and it is also imperative that he affirms his message and obeys him. The joy of this life and the afterlife are only attainable through the messengers. Similarly, it is only through them that good and evil can be identified, and it is only through them that one can please Allaah.

The messengers are the scale upon which statements and actions are weighed, and obedience to them is what separates the guided from the misguided. Consequently, they are more vital to man than his body is to his soul.

If you are deprived of prophetic guidance for the blink of an eye, your heart will debilitate and you will become like a fish out of water. However, this is only felt by one whose heart is living.

If the joy of this life and the afterlife is dependant upon the guidance of the prophet (may Allaah send salutations upon him) , then all who desire success must know his biography and teachings.

His Lineage

His lineage is indeed the most honorable, and his enemies have declared this, such as Aboo Sufyaan as he stood before the king of Rome.

He is Muhammad Bin 'Abdillaah Bin 'Abdil Muttalib Bin Haashim Bin Qusayy Bin Kilaab Bin Murra Bin Ka'b Bin Lu'ayy Bin Ghaalib Bin Fahr Bin Maalik Bin An Nadir Bin Kinaana Bin Khuzayma Bin Mudrika Bin Ilyaa Bin Mudirr Bin Nazzaar Bin Ma'd Bin 'Adnaan.

All have agreed that he is a descendant of 'Adnaan, though there is a discrepancy concerning those before him. However, none disagree that 'Adnaan is a descendant of Ismaa'eel who was the sacrificial child according to the learned companions and those who have succeeded them.

As for the statement that Ishaq was the sacrificial child, it is erroneous. I have heard Shaykhul Islaam Ibn Taymiyya say: this statement has come from the people of the book, although their book disproves it. It says that Allaah commanded Ibraaheem to sacrifice his first-born son, and the people of the book do not doubt that this is Ismaa'eel. However, the following appears in the Tawraa: sacrifice your son Ishaq. This is an addition, because it contradicts the following statement: sacrifice your first-born son.

The Jews envied the children of Ismaa'eel, though Allaah refused to be graceful to those who were undeserving, and how could Ishaq be the sacrificial child when Allaah the most high has said: **{we gave her glad tidings of Ishaq and then Ya'qoob}**? [Hood/71].

﴿فَبَشِّرْنَاهَا بِإِسْحَاقَ وَمِنْ وَرَاءِ إِسْحَاقَ يَعْقُوبَ﴾ [هود: 71]

It is impossible that he would give her glad tidings of a son and then command her to sacrifice him.

In addition, there is no doubt that the sacrificial child was in Makka. For this reason, the day of sacrifice is observed there, and the procession between As Safaa and Al Marwa and the stoning are in remembrance of him and his mother.

It is well known that it was Ismaa'eel and his mother who were in Makka and not Ishaq and his mother. This is why the sacrifice took place near the sacred house which was built by Ibraaheem and Ismaa'eel, and this is also why the day of sacrifice is observed there. However, if the sacrifice did not occur in Makka, then they day of sacrifice would not be observed there.

Allaah referred to the sacrificial child as gentle, because none could be more gentle than one who offers himself as a sacrifice out of obedience to his lord. However, Allaah referred to Ishaq as intelligent when he said: **{they said: do not fear giving him glad tidings of an intelligent son}** [Adh Dhaariyaat/28].

﴿قَالُوا لَا تَخَفْ وَبَشِّرُوهُ بِغُلَامٍ عَلِيمٍ﴾ [الذاريات: 28]

This is undoubtedly Ishaq, because his mother was given glad tidings due to her old age, and Ismaa'eel was born before him.

Allaah the glorified has made the first-born child beloved to parents. However, Allaah chose Ibraaheem to be his intimate friend, hence his love for Allaah could not be divided. As a result, Allaah commanded him to sacrifice his son, and he proceeded to do so, because his love for Allaah was greater. Consequently, the sacrifice was no longer beneficial since the objective was attained.

Saara the wife of Ibraaheem was jealous of Haajar, and once she gave birth to Ismaa'eel, she became more beloved to Ibraaheem. Consequently, Saara became even more jealous, so Allaah commanded Ibraaheem to bring

Haajar and Ismaa'eel to Makka so that Saara would no longer be envious.

How could Allaah command that her son be sacrificed so that the son of a servant could take his place? How could he do this after being merciful to Saara? Rather, the profound wisdom of Allaah necessitated that Ismaa'eel be sacrificed so that Saara would become compassionate toward him and his mother.

The endurance of Haajar and Ismaa'eel is commemorated during pilgrimage, and this is how Allaah redeems those whom he wishes to honor.

The most high has said: **{we wish to make leaders of those who were downtrodden}** [Al Qasas/5].

﴿وَرِيدًا أَنْ نَمُنَّ عَلَى الَّذِينَ اسْتُضِعُوا فِي الْأَرْضِ وَنَجْعَلَهُمْ أَئِمَّةً

وَنَجْعَلَهُمُ الْوَارِثِينَ﴾ [القصص: 5]

The Early Years Of The Prophet (May Allaah Send Salutations Upon Him)

There is no doubt that he (may Allaah send salutations upon him) was born in Makka during the year of the elephant. The people of the elephant were Christians, and their religion was better than the religion of the polytheists. However, Allaah aided them against the Christians for the sake of the prophet (may Allaah send salutations upon him) and the sacred house.

There is disagreement concerning the death of his father 'Abdullaah. Did he die before or after his birth? The more reliable view is that he died before his birth.

There is no disagreement that his mother died between Makka and Al Madeena after visiting her brothers when he was six years old.

His grandfather 'Abdul Muttalib became his guardian. He died when he was approximately eight years old. Afterward, his uncle Aboo Taalib became his guardian for twelve years. He was seen by Buhayra the monk while traveling with his uncle, so Buhayra ordered Aboo Taalib not to proceed with him out of fear of the Jews. Consequently, Aboo Taalib sent him and some other boys to Makka. It is mentioned in the book of At Tirmidhee that Bilaal accompanied him, but this is clearly incorrect since it is likely that Bilaal was not present at that time. However, if he was present, he would not have been with Aboo Taalib or Aboo Bakr. Al Bazaar has mentioned this incident in his Musnad, though it is not mentioned that Aboo Taalib sent Bilaal. Rather, it is mentioned that he sent a man.

When he turned twenty-five, he traveled to Basra for trade. He then married Khadeeja Bint Khuwaylid shortly after his return. She was forty years of age and was his first wife. She was also the first wife to die, and he did not re-marry. Jibreel conveyed the greetings of her lord to her.

Allaah inspired him to retreat, hence he would frequent the cave of Hiraa for evening worship. He hated nothing more than idolatry which was the

religion of his people. Once he turned forty, he was honored with the light of prophethood. There is no disagreement that this took place on Monday, though there is a discrepancy surrounding the month. The majority have said that it was Rabee' Al Awwal while some have said that it was Ramadaan. Those who maintain the latter rely upon the following verse: **{the month of Ramadaan in which the Qur'aan was revealed}** [Al Baqara/185].

﴿شَهْرُ رَمَضَانَ الَّذِي أُنْزِلَ فِيهِ الْقُرْآنُ﴾ [البقرة: 185]

They say that once he was honored with prophethood, the Qur'aan was revealed to him.

Stages Of Revelation

The revelation began as a vision, and then it was brought by the angel. He has said: (the sacred soul has revealed the following to to me: none will die until his sustenance is depleted, so revere Allaah and supplicate well. If your sustenance is delayed, do not seek it through defiance, because it can only be attained through obedience).

The angel would address him and would sometimes be seen by the companions.

The revelation would come to him like the ringing of a bell and the angel would enter his body. This was most severe. He would begin to sweat on a cold day, and once his animal kneeled to the ground as he sat.

He saw the angel twice in his original form as Allaah has mentioned in An Najm.

He received revelation above the heavens during the night ascension.

Allaah spoke to him as he spoke to Moosa Bin 'Imraan. The former stage is mentioned in the tradition of the night journey, and the latter stage is mentioned explicitly in the Qur'aan.

Some have added an eighth stage where Allaah addressed him without a partition. This is according to those who have held that he saw Allaah the blessed and most high. The early believers and those who have succeeded them have differed in this regard. However, 'Uthmaan Bin Sa'eed Ad Daarimee has stated that all of the companions agreed with 'Aa'isha.

His Circumcision

There are three views in this regard.

One view states that he was born circumcised as is mentioned in a tradition which Ibn Al Jawzee has declared fabricated. However, this is not a unique characteristic of his, because many are born circumcised.

Our companion Aboo 'Abdillaah Muhammad Bin 'Uthmaan Al Khaleele the scholar of prophetic tradition from Jerusalem has told me that he was born circumcised, thus his family did not circumcise him.

A second view states that he was circumcised when the angels opened his heart.

A third view states that his grandfather ‘Abdul Muttalib circumcised him when he was seven days old, prepared a banquet, and named him Muhammad. Aboo ‘Umar Bin ‘Abdil Barr has said: Ibn ‘Abbaas has narrated that ‘Abdul Muttalib circumcised the prophet (may Allaah send salutations upon him) when he was seven days old, prepared a banquet, and named him Muhammad.

Those Who Nursed Him

Thuwayba the servant of Aboo Lahab nursed him, his uncle Hamza Bin ‘Abdil Muttalib, and Aboo Salama ‘Abdullaah Bin ‘Abdil Asad Al Makhzoomee for several days.

Afterward, he, his uncle Hamza Bin ‘Abdil Muttalib, and his cousin Aboo Sufyaan Bin Al Haarith Bin ‘Abdil Muttalib were nursed by Haleema As Sa’diyya. His cousin was hostile toward him, but then he became Muslim during the year of the conquest.

Those Who Cared For Him

He was cared for by his mother Aamina Bint Wahb Bin ‘Abdi Manaaf Bin Zahra Bin Kilaab.

He was cared for by Thuwayba, Haleema, and her daughter Ash Shaymaa who was his sister through nursing. When she came to him with the delegation of Hawaazin, he allowed her to sit upon his overgarment.

He was cared for by Umm Ayman Baraka Al Habashiyya whom he inherited from his father. When the prophet (may Allaah send salutations upon him) died, Aboo Bakr and ‘Umar came to her as she wept and asked: O Umm Ayman, why do you weep? Allaah has something better for him. She replied: I know that Allaah has something better for him. Rather, I weep because we no longer receive the news of the heavens. Consequently, Aboo Bakr and ‘Umar wept as well.

The Beginning Of Revelation

Allaah made him a prophet at the age of forty which is the age of completion, and it is said that prophets are chosen at this age. As for the claim that ‘Eesa was raised to heaven at the age of thirty-three, there is no reliable narration in this regard.

His prophethood began as a vision which would appear like the break of dawn, and this is one of forty-six aspects of prophethood, and Allaah knows best. It has been said that this persisted for six months. However, the entire duration of his prophethood was twenty-three years.

An angel came to him in the cave of Hiraa, and the first revelation was: **{read in the name of your lord who has created}** [Al ‘Alaq/1].

﴿أَقْرَأْ بِاسْمِ رَبِّكَ الَّذِي خَلَقَ﴾ [العلق:1]

This is the view of the majority including ‘Aaisha, though Jaabir has

said: the first revelation was: **{O you the enveloped one}**.

[المذثر:1] ﴿يَا أَيُّهَا الْمُدَّثِّرُ ۝۱﴾

‘Aa’isha is correct for a few reasons. When he said: (I am illiterate) , he stated that he had never read before.

The command to read preceded the command to warn, because this warning would comprise what he had read.

‘Aa’isha has narrated what the prophet (may Allaah send salutations upon him) has said unlike Jaabir.

The prophetic tradition of Jaabir is as follows: (so I raised my head, and there was the angel who came to me in the cave of Hiraa. As a result, I returned to my family and said: cover me, and then Allaah revealed: **{O you the enveloped one}**).

[المذثر:1] ﴿يَا أَيُّهَا الْمُدَّثِّرُ ۝۱﴾

He has informed us that the angel who came to him in Hiraa revealed: **{read in the name of your lord who has created}**.

[العلق:1] ﴿اقْرَأْ بِاسْمِ رَبِّكَ الَّذِي خَلَقَ ۝۱﴾

Consequently, the prophetic tradition of Jaabir indicates that **{O you the enveloped one}**

[المذثر:1] ﴿يَا أَيُّهَا الْمُدَّثِّرُ ۝۱﴾

Was a subsequent revelation. Furthermore, it is the narration of Jaabir which is conclusive and not his opinion, and Allaah knows best.

The Evolution Of His Mission

stage one: he became a prophet

stage two: he warned his tribe

stage three: he warned his people

stage four: he warned those who had never been warned

stage five: he warned all who heard his message

His mission remained secret for three years until the following was revealed: **{proclaim your mission and avoid the polytheists}** [Al Hijr/94].

[الحجر:94] ﴿فَاصْدَعْ بِمَا تُؤْمَرُ وَأَعْرِضْ عَنِ الْمُشْرِكِينَ ۝۹۴﴾

As a result, he became an adversary of his people, hence their hostility increased until Allaah allowed migration.

His Names

His names derive from characteristics which necessitate completeness. His most famous name is Muhammad which is explicitly mentioned in the Tawraa as we have proven in the book Jalaa Al Afhaam Fee Fadl As Salaa Was Salaam ‘Ala Khayri Al Anaam. This book is unique and beneficial,

within it we have mentioned prophetic traditions concerning prophetic salutations, their authenticity and the lack thereof, and the merit, secrets, and wisdom of this supplication. We then proceeded to discuss what is obligatory in this regard while analyzing differing views.

His name is Ahmad as Al Maseeh has referred to him, and we have mentioned the secret of this in *Jalaa Al Afhaam Fee Fadl As Salaa Was Salaam ‘Ala Khayri Al Anaam*.

His names are also: Al Mutawakkil, Al Maahee, Al Haashir, Al ‘Aaqib, Nabiyy At Tawba, Nabiyy Al Malhama, Nabiyy Ar Rahma, Al Faatih, Al Ameen, Ash Shaahid, Al Basheer, An Nadheer, Al Qaasim, Ad Dahook, Al Qattaal, ‘Abdullaah, As Siraaj Al Muneer, Sayyid Waladi Aadam, Saahib Liwaa Al Hamd, Saahib Al Maqaam Al Mahmood, etc.

Jubayr Bin Mut’im has said: the messenger of Allaah (may Allaah send salutations upon him) named himself saying: (I am Muhammad, Ahmad, Al Maahee whom Allaah eliminates disbelief with, Al Haashir whom creation will assemble before, and Al ‘Aaqib whom no prophet will succeed).

His names are of two types, some are unshared by other messengers such as the name Muhammad, and some are shared by other messengers. However, these names apply to him completely, such as the name Messenger Of Allaah.

As for his names which have exceeded 200 such as Ar Raheem, it has been said: Allaah has 1000 names and the prophet (may Allaah send salutations upon him) has 1000 names, though the intent is characteristics.

The Meanings Of His Names

Muhammad means one who is praised more than others. For this reason, he is mentioned as such in the Tawraa, and also due the great merit of his religion and nation. In fact, Moosa wished that he could follow him. We have refuted Aboo Al Qaasim As Suhaylee who has stated the opposite and has stated that Muhammad is referred to as Ahmad in the Tawraa.

As for Ahmad, some hold that it means one who praises Allaah more than others. Whereas, others hold that it means one most deserving of praise. Consequently, the meaning is similar to Muhammad.

He is praised by all due to his countless virtues, and we have discussed this in depth in the book *Jalaa Al Afhaam Fee Fadl As Salaa Was Salaam ‘Ala Khayri Al Anaam*.

As for the name Al Mutawakkil, ‘Abdullaah Bin ‘Umar has said in *Saheeh Al Bukhaaree*: I have read the following description of the prophet (may Allaah send salutations upon him) in the Tawraa: Muhammad is my messenger and servant whom I have named Al Mutawakkil. He is courteous and forgiving, and I will not remove him until people declare that there is no deity worthy of worship except Allaah.

He is most deserving of this name, because his reliance upon Allaah

while establishing this religion was unprecedented.

As for Al Maahee, he is the one whom Allaah eliminated disbelief with. He was sent when none believed except for a remainder of the people of the book, then the religion of Allaah replaced all other religions and the call of the prophet (may Allaah send salutations upon him) spread throughout the world.

As for Al Haashir, creation will assemble before him as if he was sent to gather man.

As for Al 'Aaqib, he is the final prophet.

As for Nabiyy At Tawba, he is the one who opened the door of repentance so that the world could receive unprecedented forgiveness. The prophet (may Allaah send salutations upon him) sought forgiveness and repented the most. In fact, he would say the following 100 times in one sitting: (lord forgive me and accept my repentance, for you are the forgiving acceptor of repentance).

He used to say: (O people, repent to Allaah, because I repent to him 100 times per day).

The repentance of his nation is more complete than the repentance of previous nations, is easier to perform, and is more likely to be accepted. The repentance of the children of Israel for worshipping the calf was suicide. Whereas, the repentance of this nation is to regret and desist.

As for Nabiyy Al Malhama, he was sent to combat the enemies of Allaah, and no prophet or nation waged war like the messenger of Allaah (may Allaah send salutations upon him) and his nation.

As for Nabiyy Ar Rahma, Allaah has sent him as a mercy for creation, and the believers receive the greatest portion of it. As for the disbeliever whom he has his nation have slain, they have sent him to the fire with haste and have spared him a long life which would merely increase his punishment in the hereafter.

As for Al Faatih, he has opened the door of guidance and has conquered disbelieving lands. He has opened the gates of paradise and has made the path to knowledge and piety accessible.

As for Al Ameen, he is most deserving of this name, because Allaah has entrusted him with his religion, and he is the most trustworthy of creation. For this reason, he was named as such before prophethood.

As for Ad Dahook and Al Qattaal, they are two names which are inseparable, because he laughed with the believers and fought the disbelievers.

As for Al Basheer, he gave glad tidings to those who obeyed him.

As for An Nadheer, he warned those who disobeyed him.

Allaah has referred to him as his servant throughout his book: **{when the servant of Allaah stood in supplication}** [Al Jinn/19]

﴿وَأَنَّهُ لَمَّا قَامَ عَبْدُ اللَّهِ يَدْعُوهُ﴾ [الجن:19]

{blessed is he who revealed the criterion to his servant} [Al Furqaan/1]

﴿تَبَارَكَ الَّذِي نَزَّلَ الْفُرْقَانَ عَلَى عَبْدِهِ﴾ [الفرقان:1]

{he revealed to his servant what he revealed} [An Najm/10]

﴿فَأَوْحَىٰ إِلَىٰ عَبْدِهِ مَا أَوْحَىٰ﴾ [النجم:10]

{if you doubt what we have revealed to our servant} [Al Baqara/23].

﴿وَإِنْ كُنْتُمْ فِي رَيْبٍ مِّمَّا نَزَّلْنَا عَلَىٰ عَبْدِنَا﴾ [البقرة:23]

Allaah has named him Siraaj Muneer and has named the sun Siraaj Wahhaaj.

Al Muneer is the one who produces light without burning unlike the sun.

The First And Second Migration

When the believers became numerous, they became fearful and more oppressive toward the messenger of Allaah (may Allaah send salutations upon him). As a result, he allowed a migration to Ethiopia saying: (there is a king in Ethiopia who is just). Twelve men and four women migrated, and the first to depart was ‘Uthmaan Bin ‘Affaan and his wife Ruqayya the daughter of the messenger of Allaah (may Allaah send salutations upon him).

They were informed that the Quraysh has accepted Islaam, though this was not true. Consequently, once they were informed that conditions had worsened, some of them returned while others such as ‘Abdullaah Bin Mas’ood did not.

The messenger of Allaah (may Allaah send salutations upon him) allowed a second migration to Ethiopia. Eighty-three men and eighteen women migrated, and they received the best of hospitality from An Najaashee. Once the Quraysh became aware of this, they sent ‘Amr Bin Al ‘Aas and ‘Abdullaah Bin Abee Rabee’a to deceive them, though Allaah foiled their plot. As a result, they became so oppressive toward the messenger of Allaah (may Allaah send salutations upon him) that they confined him and his family to a ravine for three years. He was forty-nine years of age when he emerged, and his uncle Aboo Taalib died a few months later at the age of eighty-seven.

‘Abdullaah Bin ‘Abbaas was born in the ravine and Khadeeja died shortly thereafter. As the oppression increased, the messenger of Allaah (may Allaah send salutations upon him) and Zayd Bin Haaritha went to At Taa’if to invite the people to Allaah the most high. However, they stoned the messenger of Allaah (may Allaah send salutations upon him) until his

ankles became bloody, so he returned to Makka. While en route, he met 'Addaas the Christian who accepted Islaam, and a group of demons accepted Islaam after hearing the Qur'aan. Before the messenger of Allaah (may Allaah send salutations upon him) reached Makka, Allaah sent an angel to him who offered to overturn two mountains, though he refused saying: (perhaps Allaah will bring forth from them one who will worship him alone).

He was the neighbor of Mut'im Bin 'Adee in Makka when he traveled to Al Masjid Al Aqsa by night and ascended the heavens where Allaah addressed him and prescribed prayer. The most reliable view states that this transpired in one instance.

As for the narration of Shareek which states that this took place before revelation, it is considered one of his eight errors.

He invited the tribes to Allaah the most high during every season, though he received no response. However, when Allaah desired to aid his prophet, he directed him to supporters whom he wished to honor. He reached a group of six who were shaving their heads in Mina, and they responded to him and returned to Al Madeena to invite their people to Islaam.

During the following year, twelve men came to Makka to pledge allegiance to the messenger of Allaah (may Allaah send salutations upon him), five of whom were present in Mina. One year later, seventy-three men and two women came to the messenger of Allaah (may Allaah send salutations upon him) to pledge allegiance. He selected twelve heads from amongst them and allowed a migration to Al Madeena. It is said that the first to depart was Aboo Salama Ibn 'Abdil Asad Al Makhzoomee Ibn 'Umayr. The migrants were guests of the Ansaar and Islaam spread throughout Al Madeena. Afterward, Allaah allowed the messenger of Allaah (may Allaah send salutations upon him) to migrate, so he departed Makka on a Monday in the month of Rabee' Al Awwal at the age of fifty-three while accompanied by Aboo Bakr, his servant 'Aamir Bin Fuhayra, and their guide 'Abdullaah Al Laythee.

The messenger of Allaah (may Allaah send salutations upon him) and Aboo Bakr spent three days in the cave of Thawr. Afterward, they proceeded toward Al Madeena along the coastline arriving on Monday the twelfth of Rabee' Al Awwal. The messenger of Allaah (may Allaah send salutations upon him) established Masjid Qubaa and then he and others gathered for Jumu'a with Banoo Saalim. Afterward, he proceeded upon his camel while people attempted to stop him, so he said: (allow it to proceed as commanded). His camel knelt thereafter and he dismounted, and he and his companions built his masjid. Afterward, he built his home and the homes of his wives, and the home of 'Aa'isha was closest to him.

After living with Aboo Ayyoob Al Ansaaree for seven months, he lived

with 'Aa'isha. Once his companions in Ethiopia were informed of his migration to Al Madeena, thirty-three of them returned while seven of them were detained in Makka. Those who did not reach the messenger of Allaah (may Allaah send salutations upon him) migrated by ship during the seventh year.

His Children

His first-born child was Al Qaasim who died in infancy, then came Zaynab, Ruqayya, Umm Kulthoom, and Faatima. Ibn 'Abbaas has said that Ruqayya was the eldest and Umm Kulthoom was the youngest. Afterward, 'Abdullaah was born, though before or during the prophetic era, and was he At Tayyib and At Taahir, or were they two different people? The truth is that At Tayyib and At Taahir were two names of his, and Allaah knows best. Khadeeja gave birth to all of these children and she was the only wife who conceived.

Ibraaheem was conceived by Maariya the Coptic during the eighth year of the migration, though he died in infancy. It is not certain whether prayer was performed for him or not.

Faatima was the only child who survived him dying six months after him, and Allaah placed her above all women due to her patience. She was undoubtedly the best daughter of the messenger of Allaah (may Allaah send salutations upon him), and it has been said that she is the best of all women.

His Aunts And Uncles

His uncles were: Hamza Bin 'Abdil Muttalib, Al 'Abbaas, Aboo Taalib 'Abdu Manaaf, Aboo Lahab 'Abdul 'Uzza, Az Zubayr, 'Abdul Ka'ba, Al Miqdam, Diraar, Quthm, Al Mugheera, Al Ghaydaaq, and Nawfal.

Hamza and Al 'Abbaas were his only uncles who accepted Islaam.

His aunts were: Safiyya the mother of Az Zubayr Bin Al 'Awwaam, 'Aatika, Birra, Arwa, Umayma, and Umm Hakeem Al Baydaa.

Safiyya was his only aunt who accepted Islaam, though some have said that 'Aatika and Arwa also accepted Islaam.

His oldest uncle was Al Haarith and his youngest uncle was Al 'Abbaas.

His Wives

His first wife was Khadeeja Bint Khuwaylid Al Qurashiyya Al Asadiyya whom he married before prophethood when she was forty years old, and she gave birth to all of his children except Ibraaheem.

She aided him with her wealth, and Allaah sent his greetings to her by way of Jibreel. Shortly after her death, the messenger of Allaah (may Allaah send salutations upon him) married Sawda Bint Zum'a Al Qurashiyya who died three years before migration.

He then married Umm 'Abdillaah 'Aa'isha the daughter of Aboo Bakr As Siddeeq. An angel presented her to him and said: this is your wife. He

married her in the month of Shawwaal when she was six years old and consummated their marriage in the month of Shawwaal when she was nine years old.

She was the only virgin whom he ever married and was the only woman who was mentioned in the revelation which he received. She was the dearest to him, and this nation has agreed that whoever slanders her is a disbeliever. She was the most learned of his wives. In fact, she is the most learned woman of this entire nation, and senior companions of the prophet (may Allaah send salutations upon him) depended upon her judgement.

He married Hafsa the daughter of 'Umar Bin Al Khattaab and Aboo Daawud has mentioned that he allowed her to return after divorcing her. He then married Zaynab Bint Khuzayma who died two months later.

He married Umm Salama Hind Bint Abee Umayya who was the last to die of his wives. However, there is a discrepancy regarding the one who performed the marriage. Ibn Sa'd has said in the book At Tabaqaat: Salama Bin Abee Salama performed the marriage.

When he married the prophet (may Allaah send salutations upon him) to Umaama Bint Hamza whom Ja'far and Zayd argued about, the prophet (may Allaah send salutations upon him) asked: (did you reward Salama?) , because he is the one who performed the marriage.

Ahmad has said in the Musnad: Ibn 'Umar Bin Abee Salama and his father have narrated that when the divorce period of Umm Salama came to an end, she welcomed the messenger of Allaah (may Allaah send salutations upon him) , though she informed him that she was without a guardian. It has also been narrated that she told her son 'Umar to perform the marriage, but this is problematic since he was only three years old.

It has been said that the one who performed the marriage was the cousin of Umm Salama 'Umar Bin Al Khattaab. When she told 'Umar to perform the marriage, some narrators thought that she was speaking to her son.

He married his cousin Zaynab Bint Jahsh whom Allaah mentioned saying: **{when Zayd was finished with her, we married you to her}.**

﴿قَلَمَّا فَضَى زَيْدٌ مِنْهَا وَطَرًا زَوَّجْنَاهَا﴾ [الأحزاب: 37]

She used to say to the wives of the prophet (may Allaah send salutations upon him) : your families were responsible for your marriages, though Allaah was responsible for mine.

Zaynab was unique since her guardian was Allaah and also since she died during the rule of 'Umar Bin Al Khattaab. She was the former wife of Zayd Bin Haaritha the adopted son of the messenger of Allaah (may Allaah send salutations upon him) , so when Zayd Bin Haaritha divorced her, Allaah joined her with the prophet (may Allaah send salutations upon him) in matrimony to set a precedent for his nation.

He married Juwayriya Bint Al Haarith whom he assisted to become emancipated.

He married Umm Habeeba while she was in Ethiopia, and An Najaashee provided her with a dowry of 400 dinars on his behalf. She died during the rule of her brother Mu'aawiya.

As for the narration of Ibn 'Abbaas which states that Aboo Sufyaan said the following to the prophet (may Allaah send salutations upon him) : I have the most beautiful Arab Umm Habeeba whom I will marry you to, Ibn Al Jawzee has said the following: all historians agree that Umm Habeeba was married to 'Abdullaah Bin Jahsh and that they migrated to Ethiopia where 'Abdullaah Bin Jahsh accepted Christianity. Consequently, the messenger of Allaah (may Allaah send salutations upon him) proposed to her by way of An Najaashee who performed the marriage and provided her with a dowry. This was in the seventh year of the migration, and there is no doubt that Aboo Sufyaan accepted Islaam during the conquest of Makka which was in the eighth year of migration.

He married Safiyya who was a descendant of 'Imraan and was one of the most beautiful women on earth. He emancipated her as a dowry setting an eternal precedent. Some have said that only he could do this, though the truth of the matter is that an action cannot be reserved exclusively for him without evidence. Allaah the glorified allowed him to marry the former wife of his adopted son, so this indicates that his mode of marriage may be emulated if it has not been proven exclusive.

Lastly, he married Maymoona Bint Al Haarith Al Hilaaliyya in Makka after completing 'umra, and she died during the rule of Mu'aawiya.

These were his wives. Whereas, those whom he proposed to and those who offered themselves to him whom he did not marry were four. Some have said that they were thirty, but this is rejected by those who know his biography. However, it is agreed upon that he died having married nine women. The first wife to perish after his demise was Zaynab Bint Jahsh who passed away in the year twenty of the migration, and the last wife to perish after his demise was Umm Salama who passed away in the year sixty-two of the migration during the rule of Yazeed, and Allaah knows best.

His Female Slaves

Aboo 'Ubayda has said: his female slaves were four: Maariya who conceived Ibraaheem, Rayhaana, Jameela, and a slave whom he received from Zaynab Bint Jahsh.

Salma, Umm Raafi', Maymoona, Khadira, Radwa, Razeena, Umm Dameera, and Maymoona Bint Abee 'Usayyib were also his slaves.

His Male Slaves

Zayd Bin Haaritha was his male slave whom he emancipated and married to Umm Ayman who gave birth to Usaama.

Aslam, Aboo Raafi', Thawbaan, Saleem, Saalih, Rabaah, Yasaar, Mud'im, and Karkara were his slaves, and Mud'im and Karkara were slain at Khaybar, and Allaah knows best.

Anjasha and Mihraan whom the messenger of Allaah (may Allaah send salutations upon him) named Safeena were his slaves, and the messenger of Allaah (may Allaah send salutations upon him) emancipated him according to Aboo Haatim.

Aboo Mashrah, Aflah, 'Ubayd, Keesaan, Dhakwaan, Mihraan, Mirwaan, Hunayn, Sandar,

Fudaala, Maaboor, Waaqid, Aboo Waaqid, Qassam, Aboo 'Usayyib, and Aboo Muwayhiba were also his slaves.

His Servants

Anas Bin Maalik, 'Abdullaah Bin Mas'ood, 'Uqba Bin 'Aamir Al Juhnee, Asla' Bin Shareek, Bilaal Bin Rabaah, Sa'd, Aboo Dharr Al Ghifaaree, and Ayman Bin 'Ubayd were his servants.

His Scribes

Aboo Bakr, 'Umar, 'Uthmaan, 'Alee, Az Zubayr, 'Aamir Bin Fuhayra, 'Amr Bin Al 'Aas, Ubayy Bin Ka'b, 'Abdullaah Bin Al Arqam, Thaabit Bin Qays Bin Shammaas, Handhala Bin Ar Rabee' Al Usaydee, Al Mugheera Bin Shu'ba, 'Abdullaah Bin Rawaaha, Khaalid Bin Al Waleed, Khaalid Bin Sa'eed Bin Al 'Aas, Mu'aawiya Bin Abee Sufyaan, and Zayd Bin Thaabit were his scribes.

His Legal Writings

Aboo Bakr wrote to Anas Bin Maalik on his behalf concerning charity when he sent him to Bahrain.

His address to the people of Yemen has been narrated by Aboo Bakr Bin 'Amr Bin Hazm, his father, and his grandfather. It has been narrated with an uninterrupted chain by Al Haakim, An Nasaa'ee, and others, and it has been narrated with an interrupted chain by Aboo Daawud. It is an impressive book which contains a variety of legal matters. Ahmad has said: there is no doubt that the messenger of Allaah (may Allaah send salutations upon him) wrote it.

He also wrote to Banoo Zuhayr, and 'Umar Bin Al Khattaab had a book of his concerning obligatory charity and other matters.

His Correspondence With Kings

He wrote to the kings of the world upon his return from Al Hudaybiyya. When writing to the king of Rome, someone said: they do not read letters unless they are stamped. As a result, he completed his letter with a silver stamp inscribed: Muhammad The Messenger Of Allaah. He also sent a six man delegation in the month of Muharram during the seventh year of migration.

He sent Ashama Bin Abjar to An Najaashee who honored the letter of the prophet (may Allaah send salutations upon him) and accepted Islaam. His knowledge of the Injeel was exceptional, and the prophet (may Allaah send salutations upon him) performed his funeral prayer in Al Madeena while he was in Ethiopia.

Anas has said: the messenger of Allaah (may Allaah send salutations upon him) wrote to the kings of the world inviting them to Allaah the most high, but not An Najaashee whom he prayed for upon his death.

Aboo Muhammad Bin Hazm has said: this An Najaashee was 'Amr Bin Umayya Ad Damree who did not accept Islaam.

He sent Dahya Bin Khaleefa Al Kalbee to Heracles the king of Rome, and Anas Bin Maalik has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (whoever brings this letter of mine to Heracles with be granted paradise). Consequently, a man asked: even if he does not accept Islaam? He replied: (even if he does not accept Islaam).

Heracles took the letter and said: whoever has written this letter is protected. He then ordered that the gates of his castle be locked, and he commanded a caller to proclaim: Heracles has left Christianity and has accepted Islaam. As a result, his soldiers surrounded him, so he said to the messenger of Allaah (may Allaah send salutations upon him) : you see that I fear for my kingdom, and then he commanded a caller to announce: Heracles is satisfied with you. Rather, he tested your devotion to your religion, so disperse.

He wrote the following to the messenger of Allaah (may Allaah send salutations upon him) : I am Muslim, but the messenger of Allaah said: (this enemy of Allaah has lied, he is a Christian and not a Muslim). Narrated by Ibn Hibbaan.

He sent 'Abdullaah Bin Hudhaafa As Sahmee to Kisra who tore the letter of the prophet (may Allaah send salutations upon him) , so he said: (may Allaah destroy his kingdom) , and he did.

He sent Haatib Bin Balta'a to Jurayj Bin Meenaa the great Coptic king of Alexandria. He did not accept Islaam, but he granted the prophet (may Allaah send salutations upon him) Maariya and her two sisters Seereen and Qaysara. Maariya became a slave and Seereen was given to Hassaan Bin Thaabit.

He was given another female slave, gold, clothing, a mule, a donkey, a boy who has been said to have been the cousin of Maariya, a horse, a jug, and honey.

He sent Shujaa' Bin Wahb Al Asadee to Al Haarith Bin Abee Shamr Al Ghassaanee the king of Al Balqaa, and it is also said that he went to Heracles with Dahya Bin Khaleefa, and Allaah knows best.

He sent Saleet Bin 'Amr to Al Yamaama to Hoodha Bin 'Alee Al

Hanafee, and it has been said that these were the six emissaries whom he sent at once.

He sent 'Amr Bin Al 'Aas in the month of Dhoo Al Qa'da during the eighth year of the migration to Jeefar and 'Abdullaah the sons of Al Jalanda of Oman, and both of them accepted Islaam.

He sent Al 'Alaa Bin Al Hadramee to Al Mundhir Bin Saawee Al 'Abdee the king of Bahrain before the conquest, and he accepted Islaam.

He sent Al Muhaajir Bin Abee Umayya Al Makhzoomee to Yemen to Al Haarith Bin 'Abdi Kilaal Al Humayree.

He sent Aboo Moosa Al Ash'aree and Mu'aadh Bin Jabl to Yemen upon his departure from Tabook. It has been said that this was actually during the tenth year of migration in the month of Rabee' Al Awwal, it has also been said that most of the locals accepted Islaam willingly. Afterward, he sent 'Alee Bin Abee Taalib.

He sent Jareer Bin 'Abdillaah Al Bajlee to Dhoo Al Kalaa' Al Humayree and Dhoo 'Amr who accepted Islaam, and the messenger of Allaah (may Allaah send salutations upon him) died while Jareer was amongst them.

He sent 'Amr Bin Umayya Ad Damree and As Saa'ib Bin Al 'Awwaam the brother of Az Zubayr to Musaylima the liar, though he did not accept Islaam.

He sent a delegate to Farwa Bin 'Amr Al Judhaama who sent him a letter informing him that he had accepted Islaam, he also sent him a mule, a horse, a donkey, and silk by way of Mas'ood Bin Sa'd.

He sent 'Iyyaash Bin Abee Rabee'a Al Makhzoomee to Al Haarith, Masrooh, and Na'eem of Banoo 'Abdi Kilaal by way of Humayr.

Those Who Called To Prayer For Him

Four people called to prayer for him. The first to do so was Bilaal Bin Rabaah, and he and 'Amr Bin Umm Maktoom Al Qurashee Al 'Aamiree called to prayer in Al Madeena. Whereas, Sa'd Al Qardh the servant of 'Ammaar Bin Yaasir did so in Qubaa, and Aboo Mahdhoora did so in Makka.

Aboo Mahdhoora would repeat the takbeer during the aadhaan and would repeat the wording of the iqaama. Whereas, Bilaal would not repeat the takbeer nor would he repeat the wording of the iqaama. Ash Shaafi'ee and the people of Makka emulated the aadhaan of Aboo Mahdhoora and the iqaama of Bilaal. Aboo Haneefa and the people of Iraq emulated the aadhaan of Bilaal and the iqaama of Aboo Mahdhoora. Ahmad, the people of prophetic tradition, and the people of Al Madeena emulated the aadhaan of Bilaal and his iqaama, and Maalik would not repeat the takbeer during the aadhaan nor would he repeat the wording of the iqaama.

His Commanders

The messenger of Allaah (may Allaah send salutations upon him) placed

Baadhaan Bin Saasaan in command of Yemen after the death of Kisra. He was the first Muslim commander of Yemen and the first non-Arab king to accept Islaam.

Once Baadhaan died, the messenger of Allaah (may Allaah send salutations upon him) placed his son Shahr in command of San'aa. Once he was killed, he replaced him with Khaalid Bin Sa'eed Bin Al 'Aas.

He placed Ibn Abee Umayya Al Makhzoomee in command of Kanda and As Sadf. Once the messenger of Allaah (may Allaah send salutations upon him) died, Aboo Bakr sent him to fight apostates.

He placed Ziyaad Bin Umayya Al Ansaaree in command of Hadramawt.

He placed Mu'aadh Bin Jabl in command of Al Jand.

He placed Aboo Sufyaan Sakhr Bin Harb in command of Najraan, and he placed his son Yazeed in command of Taymaa.

He placed 'Attaab Bin Asad in command of Makka and made his responsible for the pilgrimage at the age of twenty during the eighth year of migration.

He placed 'Alee Bin Abee Taalib in command of Al Akhmaas in Yemen and made him a judge.

He placed 'Amr Bin Al 'Aas in command of Oman.

He made many responsible for charity since every tribe had one person who collected funds.

He made Aboo Bakr responsible for pilgrimage during the ninth year of migration and sent 'Alee to recite Al Baraa'a. It has been said that he did so because the beginning of Al Baraa'a was revealed after Aboo Bakr embarked upon pilgrimage.

Some maintain that this pilgrimage took place in the month of Dhoo Al Hijja, while others maintain that it took place during the month of Dhoo Al Qa'da, and Allaah knows best.

His Security

Sa'd Bin Mu'aadh protected him during Badr as he slept, Muhammad Bin Muslima protected him during Uhud, and Az Zubayr Bin Al 'Awwaam protected him during Al Khandaq. 'Abbaad Bin Bishr and others protected him as well.

When Allaah the most high said: **{Allaah will protect you from men}** [Al Maa'ida/67].

﴿وَاللَّهُ يَعْصِمُكَ مِنَ النَّاسِ﴾ [المائدة: 67]

He informed the people.

Those Who Killed With The Sword While Amongst Him

'Alee Bin Abee Taalib, Az Zubayr Bin Al 'Awwaam, Al Miqdaad Bin 'Amr, Muhammad Bin Muslima, 'Aasim Bin Thaabit Ibn Abee Al Aqlah, and Ad Dahhaak Bin Sufyaan Al Kilaabee, and Qays Bin Sa'd Bin 'Ubaada

Al Ansaaree, and Al Mugheera Bin Shu'ba killed with the sword.

Those Who Were Entrusted With Specific Tasks

Bilaal was responsible for his spending, Mu'ayqeeb Bin Abee Faatima Ad Doosee was responsible for his ring, Ibn Mas'ood was responsible for his siwaak and his sandals, and Rabaah Al Aswad, Anisa, Anas Bin Maalik, and Aboo Moosa Al Ash'aree granted permission on his behalf.

His Poets And Spokesmen

Ka'b Bin Maalik, 'Abdullaah Bin Rawaaha, and Hassaan Bin Thaabit were his poets who defended Islaam, and Hassaan Bin Thaabit was the harshest of them toward the disbelievers, and Ka'b Bin Maalik would condemn them for their polytheism.

His spokesman was Thaabit Bin Qays Bin Shammaas.

His Major And Minor Battles

All of his battles took place after migration over a ten year period. There were twenty seven major battles, and he participated in Badr, Uhud, Al Khandaq, Quraydha, Al Mustalaq, Khaybar, Al Fath, Hunayn, and At Taa'if. It has been said that he also participated in An Nadeer, Al Ghaaba, and Waadee Al Qura.

There were approximately sixty minor battles and the greatest battles were Badr, Uhud, Al Khandaq, Khaybar, Al Fath, Hunayn, and Tabook. Al Anfaal is dedicated to Badr and the following has been revealed concerning Uhud: **{when you left your family in the morning and gathered the believers for battle}** [Aalu 'Imraan/121].

﴿وَإِذْ عَدَوْتَ مِنْ أَهْلِكَ تُبَوِّئُ الْمُؤْمِنِينَ مَقْعِدَ لِلْقِتَالِ﴾ [آل عمران: 121]

Al Khandaq, Quraydha, and Khaybar are mentioned in Al Ahzaab, An Nadeer is mentioned in Al Hashr, Khaybar and Al Hudaibiyya are mentioned in Al Fath, and the conquest is mentioned in An Nasr.

He was wounded during Uhud and the angels fought with him during Badr, Hunayn, and Al Khandaq. During Al Khandaq, he threw pebbles in the faces of the polytheists causing them to flee, during At Taa'if, he used a catapult, and during Al Ahzaab, he fortified himself in a trench.

His Weapons And Utencils

He had nine swords, and the first of which was Ma'thoor which he inherited from his father. His other swords were Al 'Adab, Dhoo Al Qifaar, Al Qal'a, Al Battaar, Al Hatf, Ar Rasoob, Al Mikhdham, and Al Qadeeb.

Al Qifaar was a constant companion of his which appeared to him in a dream.

He had seven suits of armor, he gave one named Dhaat Al Fudool to Aboo Ash Shahm the Jew who gave him approximately sixty-five kilograms

of wheat and allowed him one year to complete payment.

He had five bows: Az Zawraa, Ar Rawhaa, As Safraa, Al Baydaa, and Al Katoom which broke during Uhud and was taken by Qataada Bin An Nu'maan and As Saddaad.

He had a pouch named Al Kaafoor.

He had a shield named Az Zalooq, a shield named Al Fatq, and a shield with a sculptured image. When he touched it, Allaah removed it.

He had five spears named: Al Mathwa, Al Mathna, An Nab'a, Al Baydaa, and Al 'Anaza which he would walk with during times of celebration, he would also place it front of him when praying.

He had two iron helmets named Al Muwashshah and As Saboogh.

He had three garments which he wore during battle, one of which was made from green silk, and Ibn Az Zubayr wore a similar garment during battle. It has been narrated that Ahmad allowed men to wear silk at this time.

He had a black flag named Al 'Aqqaab.

He had a tent named Al Kann and a cane which was at least the length of an arm span.

He had one pitcher named Ar Rayyaan and another pitcher which was bonded with silver.

He had two pitchers which he would place beneath the bed and would urinate in during the night.

He had a pot named As Saadir.

He had a stone basin which he used for ablution.

He had a copper dye container.

He had a brass tub.

He had an ivory comb.

He had a container which he would use to apply antimony three times in each eye before going to bed.

He had a plate named Al Gharraa which was carried by four men.

He had a bed with wooden legs which was a gift from As'ad Bin Zaraara and a leather mattress filled with fibre.

Ibn 'Abbaas has said: the messenger of Allaah (may Allaah send salutations upon him) had a sword named Al Qifaar. He had a bow named As Saddaad. He had a quiver named Al Jam'. He had a brass suit of armor named Dhaat Al Fudool. He had a spear named An Nab'aa. He had a cane named Ad Daqn. He had a white shield named Al Moojaz. He had a horse named As Sakb. He had a saddle named Ad Daajj. He had a mule named Daldal. He had a camel named Al Qaswaa. He had a donkey named Ya'foor. He had a carpet named Al Kann. He had a spear named Al Qamra. He had a pot named As Saadira. He had shears named Al Jaami'. He had a mirror and a staff named Al Mashooq. Narrated by At Tabaraanee.

His Riding Animals

It is said that As Sakb was the first horse which he had ever owned. It had white limbs, though some have said that it was black.

He had a horse named Al Murtajiz whose color was a blend of white and yellow.

He also had horses named: Al Laheef, Al Lazzaaz, Adh Dharb, Subha, and Al Ward.

He had two mules named: Daldal and Fidda, and it has been said that An Najaashee gave him a mule as a gift.

He had a donkey named 'Afeer whose color was a blend of white and yellow. He had other donkeys as well, one of which was a gift from Sa'd Bin 'Ubaada.

He had a camel named Al Qaswaa, and it has been said that he migrated upon it. He had two camels named Al 'Adbaa and Al Jad'aa, though some believe that they were actually one.

When Al 'Adbaa finally lost a race, the Muslims became despondent. Consequently, the messenger of Allaah (may Allaah send salutations upon him) said: (Allaah is entitled to debase what is wordly once he has elevated it).

He obtained a camel belonging to Aboo Jahl during Badr which he gave as a gift during Al Hdaybiyya to infuriate the polytheists.

His Clothing

He had a turban named As Sahaab which he would wear over a cap, and he would wear a cap without a turban and a turban without a cap. He would allow his turban to hang between his shoulders, and 'Amr Bin Hareeth has said: I saw the messenger of Allaah (may Allaah send salutations upon him) upon the minbar wearing a black turban whose two ends hung between his shoulders. Narrated by Muslim.

Jaabir Bin 'Abdillaah has narrated in Saheeh Muslim that the messenger of Allaah (may Allaah send salutations upon him) entered Makka wearing a black turban. However, the end of it was not mentioned. This indicates that he did not always allow it to hang.

Our teacher Ibn Taymiyya has mentioned that the prophet (may Allaah send salutations upon him) allowed the end of his turban to hang for the first time upon awaking from a dream where Allaah asked him: O Muhammad, what is the highest group arguing about? He said: (I said: I do not know, but then Allaah placed his hand between my shoulders and I became aware of what lies between heaven and earth). Narrated by At Tirmidhee and declared authentic by Al Bukhaaree.

His favorite garment was a shirt whose sleeves were wrist length. He would wear an over garment with narrow sleeves when traveling and would

wear a waist garment and over garment.

He wore a waist and over garment with black and red pinstripes. However, it is absolutely unlawful to wear a garment which is completely red. How could one believe that the prophet (may Allaah send salutations upon him) wore a completely red garment? Rather, this misconception results from the name of the garment, and Allaah knows best.

Anas Bin Maalik has said: the king of Rome gave the prophet (may Allaah send salutations upon him) a silk garment which he wore. Narrated by Aboo Daawud and Ahmad.

Al Khattaabee has said: it seems that this garment had silk embroidery, because the garment itself is not silk.

He wore pants and others wore them with his permission.

He wore socks and sandals.

He wore a ring, and although it has been mentioned that he wore it on both hands, all traditions in this regard have sound chains.

He wore a helmet and a suit of armor.

His shirts were cotton and were short with short cuffs. As for long and wide cuffs, he and his companions never wore them, and it is unlikely that it is lawful to wear such dress since it entails conceit.

His favorite color was white, and he has said: (some of your best fabric is white, so wear it and shroud your dead with it).

It has been narrated in Al Bukhaaree that 'Aa'isha held a waist and over garment and said: the soul of the messenger of Allaah (may Allaah send salutations upon him) was seized as he wore these.

He wore a gold ring, but then he replaced it with a silver ring and forbade gold rings.

As for the shawl, it has not been relayed that he or his companions wore it. Rather, Anas Bin Maalik has narrated that the prophet (may Allaah send salutations upon him) mentioned the anti-christ saying: (seventy thousand Jews from Asbahaan wearing shawls will emerge with him). Narrated by Muslim.

When Anas saw a group wearing shawls, he said: they look so much like the Jews of Khaybar. Muslims past and present have disliked the shawl since Ibn 'Umar has narrated that the prophet (may Allaah send salutations upon him) has said: (whoever resembles a people is one of them). Narrated by Aboo Daawud and Al Haakim, (whoever resembles a people other than us is not one of us). Narrated by At Tirmidhee.

The majority of what he and his companions wore was cotton, but they probably wore wool and linen also.

Jaabir Bin Ayyoob has said: As Salt Bin Raashid came to Muhammad Bin Seereen dressed in wool, so Muhammad said: I think that there are people who wear wool who say that 'Eesa Ibn Maryam also **wore wool**.

However, some whom I do not criticize have informed me that the prophet (may Allaah send salutations upon him) wore cotton, wool, and linen, and the tradition of our prophet deserves most to be followed.

Ibn Seereen spoke of a people who wore wool and a particular dress exclusively while maintaining specific practices. Their only fault is their lack of divergence. The way of the messenger of Allaah (may Allaah send salutations upon him) is the best, and he has taught us to wear cotton, wool, and linen.

He would say when wearing a new garment: (O Allaah, you have clothed me with this. I ask you for the good of it and the good which it was produced for, and I seek your protection from the evil of it and the evil which it was produced for).

He would also begin dressing from the right side.

It has been narrated that 'Aa'isha made a wool garment for the prophet (may Allaah send salutations upon him) which he wore, but the wool produced a foul odor when he perspired, so he discarded the garment.

It has been narrated that Aboo Ramtha has said: I saw the messenger of Allaah (may Allaah send salutations upon him) deliver a sermon while wearing to green garments. This garment has green pinstripes and is like his red garment. Consequently, if one has deduced that it was completely red, he must say that his green garment was completely green, though no one says this.

His pillow was leather and was filled with fiber. Consequently, those who are abstemious and those who are extravagant both oppose his guidance. For this reason, some of the early Muslims have said: it was disliked that one become known for wearing fine or inferior clothing.

Ibn 'Umar has narrated that the prophet (may Allaah send salutations upon him) has said: (if one wears the dress of splendor, Allaah will clothe him in the dress of disgrace on the day of resurrection, and the fire will inflame him).

This is because he was conceited, thus Allaah punished him by disgracing him. Similarly, Ibn 'Umar has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (if one allows his shirt, turban, or waist garment to exceed proper length due to conceit, Allaah will not look at him on the day of resurrection).

In addition, wearing inferior clothing can be praiseworthy and blameworthy. It is praiseworthy to wear inferior clothing out of humility, but it is blameworthy to wear inferior clothing to gain recognition. Conversely, it is blameworthy to wear fine clothing out of conceit, but it is praiseworthy to wear fine clothing to enhance your appearance and to display the grace of Allaah. Ibn Mas'ood has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (he whose heart contains

arrogance the weight of a mustard seed will not enter paradise, and he whose heart contains faith the weight of a mustard seed will not enter the fire). A man said: O messenger of Allaah, I like fine clothing, so am I arrogant? He said: (no, Allaah is handsome and loves beauty. Arrogance is to reject the truth and to despise people). Narrated by Muslim.

He would not reject food which was available nor would he impose difficulty to obtain food which was unavailable. He would only reject food if it was displeasing to him, though he did not prohibit it. In addition, he never criticized food. Rather, he would refuse to eat it as he refused to eat bear, though he did not prohibit it. In fact, he watched as it was eaten.

He loved sweets and honey.

He ate various types of meat and fish.

He ate dates.

He drank milk.

He ate and bread and dates.

He ate bread and vinegar.

He ate cheese.

He ate bread and oil.

He ate watermelon.

At times, he tied a rock to his stomach due to hunger, and months would pass before a fire was lit in his home. The majority of his food was placed on the ground, and he would eat with his three fingers and lick them afterward. This is the best mode of eating, because a conceited person eats with one finger while a greedy person eats with five.

He would not eat while leaning, and he would begin with the name of Allaah and end by praising him saying: (praise belongs to Allaah who has provided food and drink).

He usually drank while sitting. In fact, he prohibited drinking while standing. However, he drank while standing once, but it seems that he had an excuse, and Allaah knows best. When he reached Zamzam, people were seeking water, so he did not sit.

When drinking, he would share with the person on his right side, and he would share with the person on his left side if he was older than him.

His Marital Guidance And Behavior At Home

Anas has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (the women and fragrance of your world have been made dear to me).

He was given the strength of thirty men and would visit all of his wives in one night.

He supported his wives equally, as for his love of them, he would say: (O Allaah, this is an allotment which I can control, do not blame me for an allotment which I cannot control).

One cannot allocate love equally, hence one is not obliged to do so.

He had the most wives, and Ibn 'Abbaas has said: marry, for the best of this nation are those with the most wives.

He divorced some of his wives and allowed them to return. However, he never declared them similar to those whom he could not marry. Anyone who says otherwise is utterly mistaken.

He would send the girls of the Ansaar to 'Aa'isha so that she could play with them.

He would drink after her from the same container.

He would place his head in her lap and recite the Qur'aan, and she was probably menstruating. He would order her to cover her mid section during menstruation, and then he would make contact with her.

He would kiss her while fasting.

He would place her upon his shoulders to watch the Ethiopians as they played in his masjid.

He would allow a lottery to decide which wife would travel with him, and he would not compensate time lost as a result.

He used to say: (the best of you are those who are best to their wives, and I treat my wives the best).

Once he had performed the late afternoon prayer, he would visit his wives to inquire about them. Once nightfall arrived, he would join the wife who awaited him. 'Aa'isha has said: he would not prefer to stay with one wife more than another.

He divided his time between all of his wives except Sawda who allowed 'Aa'isha to take her place when she became older.

He would come to his wives at the beginning and end of the night. If sexual intercourse took place at the beginning of the night, he would have performed ablution or bathed and went to sleep. Al Aswad has narrated that 'Aa'isha has said that he went to sleep without performing ablution or bathing, though scholars of prophetic tradition consider this inaccurate, and we have discussed this matter at length in Tahdheeb Sunan Abee Daawud.

He would go to his wives having bathed once, though he bathed repeatedly as well.

He would return home from a journey at night, and he prohibited that one do otherwise.

His Guidance Concerning Sleep

He would sleep on beds of various types and would also sleep on the ground. 'Abbaad Bin Tameem has narrated that his uncle has said: I saw the messenger of Allaah (may Allaah send salutations upon him) laying in the masjid with one foot upon the other.

His bedding was leather and was filled with fiber. He would say when going to bed: (O Allaah, in your name I live and die).

He would join his palms and blow upon them, then he would then recite: **{say: Allaah is one}.**

﴿قُلْ هُوَ اللَّهُ أَحَدٌ﴾ [الإخلاص: 1]

{Say: I seek refuge with the lord of dawn}.

﴿قُلْ أَعُوذُ بِرَبِّ الْفَلَقِ﴾ [الفلق: 1]

{Say: I seek refuge with the lord of man}.

﴿قُلْ أَعُوذُ بِرَبِّ النَّاسِ﴾ [الناس: 1]

He would then wipe as much of his body as possible beginning with his head, and he would do this three times.

He would sleep upon his right side placing his hand beneath his cheek. He would say: (O Allaah, protect me from your punishment on the day of resurrection).

He would say when awaking during the night: (there is no deity worthy of worship except you. Glory be to you O Allaah, I seek your forgiveness and mercy. Increase my knowledge and do not misguide me, and grant me your compassion for you are indeed the bestower).

He would say when awaking: (praise belongs to Allaah who has revived us, and unto him we shall return). He would then use siwaak and would recite the last ten verses of Aalu 'Imraan.

He would go to sleep at the beginning of the night and would awake at the end of it. He would also spend the evening dealing with community interests. His eyes would sleep though his heart would not.

When making a rest stop at night, he would lie upon his right side. When making a rest stop before dawn, he would raise his forearm and place his head upon the palm of his hand as At Tirmidhee has said.

He slept eight hours a day which is moderate and beneficial as doctors have stated.

His Guidance Concerning Riding

He rode various animals, though usually he rode a horse or a camel. Various amounts of people rode with him, though usually he rode alone.

He had 100 sheep and did not want more than that. Consequently, whenever this amount was exceeded, he would slaughter.

He had slaves, and most of them were males, as well as those whom he emancipated. Aboo Umaama has narrated that the prophet (may Allaah send salutations upon him) has said: (if one emancipates a Muslim, he will prompt his release from the fire, and each limb of his will suffice each limb of his. If one emancipates two female Muslims, they will prompt his release from the fire, and every two of their limbs will suffice each of his limbs). At Tirmidhee has said: an authentic prophetic tradition.

This indicates that emancipating one male slave is equal to emancipating two female slaves. This is one of five instances where a male is twice as valuable as a female. The second instance is the 'aqeeqa where one sheep is slaughtered for a female while two are slaughtered for a male. The third instance is testimony, for the testimony of two women is equal to the testimony of one man. The fourth instance is inheritance, and the fifth instance is restitution due to injury or murder.

His Buying And Selling

He bought more than he sold once Allaah honored him with his message and he engaged in hire, though he was most often a provider. However, it has been recorded that he sold one slave for two slaves and that he offered himself to Khadeeja as a merchant.

The messenger of Allaah (may Allaah send salutations upon him) was a business partner, and his business partner asked him: do you not know me? He replied: (were you not my business partner? You were outstanding, you always accepted the truth).

He engaged in delegation, though he was most often the employer.

He gave and accepted gifts, and he said to Salama Bin Al Akwa' who obtained a female slave: (give her to me) , and he did. Consequently, he offered her as a ransom in return for Muslim captives.

He guaranteed that those who perform specific actions will enter paradise, and he was responsible for the debts of the deceased who did not make arrangements for payment after death, and it has been said that this is the responsibility of every leader.

He swore on eighty occasions and Allaah commanded him to do so in three verses: **{they ask if it is real, say: yes, I swear by my lord that it is}** [Yoonus/53].

﴿وَيَسْأَلُونَكَ أَحَقُّ هُوَ قُلْ إِي وَرَبِّي إِنَّهُ لَحَقٌّ﴾ [يونس: 53]

{Those who have disbelieved say: the hour will not reach us. Say: by my lord, it shall definitely reach you} [Saba' 3].

﴿وَقَالَ الَّذِينَ كَفَرُوا لَا تَأْتِينَا السَّاعَةُ قُلْ بَلَى وَرَبِّي لَتَأْتِيَنَكُمُ﴾ [سبأ: 3]

{Those who have disbelieved claim that they will not be resurrected. Say: by my lord, you shall definitely be resurrected and informed of your actions, and this is easy for Allaah} [At Taghaabun/7].

﴿زَعَمَ الَّذِينَ كَفَرُوا أَنْ لَنْ يُبْعَثُوا قُلْ بَلَى وَرَبِّي لَتُبْعَثُنَّ ثُمَّ لَتُنَبَّيَنَّ بِمَا عَمِلْتُمْ وَذَلِكَ عَلَى اللَّهِ يَسِيرٌ﴾ [التغابن: 7]

The judge Ismaa'eel Bin Ishaq asked Aboo Bakr Bin Daawud Adh Dhaahiree whom he did not consider a jurist: would someone like you swear O Aboo Bakr? He replied: what would prevent me from doing so when Allaah commanded his prophet to do so in three verses? He asked: where? Once he recited them, he considered him a jurist.

He would stipulate an exception when swearing and would expiate an oath at times.

He would joke while being truthful and would intend other than what he would suggest.

He would consult and would provide consultation.

He would visit the ill and would attend the funeral prayer.

He would accept an invitation and would accompany the weak and needy.

His Racing And Cupping

The messenger of Allaah (may Allaah send salutations upon him) engaged in foot racing and wrestling.

He performed various household duties and participated in the construction of his masjid.

He was a host and a guest.

He performed cupping upon his head, his foot, and his upper back.

He took medicine and performed cautery, though he did not receive it.

He provided protection from evil, though he did not seek it.

He treated the ill.

Medicine is established upon prevention, preservation, and expulsion, and Allaah has compiled this in three verses. He prevented the ill from using water fearing harm when he said: **{if you are ill, abroad, have answered a call of nature, or have been intimate and cannot find water, then use pure earth}** [An Nisaa/43].

﴿وَأِنْ كُنْتُمْ مَرِيضًا أَوْ عَلَى سَفَرٍ أَوْ جَاءَ أَحَدٌ مِنْكُم مِّنَ الْغَائِطِ أَوْ لَمَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا

صَعِيدًا طَيِّبًا﴾ [النساء: 43]

He has said concerning preservation: **{if you are ill or abroad, then during other days}** [Al Baqara/182].

﴿فَمَنْ كَانَ مِنْكُمْ مَّرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ﴾ [البقرة: 184]

He has said concerning expulsion: **{if you are ill or suffer from a head ailment, then fast, give charity, or slaughter}** [Al Baqara/196].

﴿فَمَنْ كَانَ مِنْكُمْ مَّرِيضًا أَوْ بِهِ أَذًى مِّنْ رَّأْسِهِ فَفِدْيَةٌ مِّنْ صِيَامٍ أَوْ صَدَقَةٍ أَوْ نُسْكَ﴾ [البقرة: 196]

Allaah has allowed one who is ill or suffering from a head ailment to shave his head to expel harmful matter while in a state of ihraam.

His Guidance Concerning Interaction

His interaction was the finest. He would return more than what he borrowed and would supplicate for the lender saying: (may Allaah bless you, your family, and your wealth. The reward of a loan is praise and payment).

Someone came to him demanding payment in a hostile manner. Consequently, 'Umar became disturbed, so he said: (halt O 'Umar, it was necessary that he order me to pay, and it was necessary that you order him to be patient).

A Jew came to him seeking early payment, so he said: (the time has not come). The Jew said: you have delayed O Banoo 'Abdil Muttalib. As a result, his companions became disturbed, though he calmed them and he repose increased. The Jew said: I beheld every sign of prophecy except for one, a display of utter ignorance only increases his repose. It was this sign which I sought to behold. Afterward, the Jew accepted Islaam.

His Guidance Concerning Walking

He walked with a lean, and although he walked faster than anyone else, his poise was without comparison. Aboo Hurayra has said: I have never seen anything finer than the messenger of Allaah (may Allaah send salutations upon him) , his faced shined like the sun. I have never seen anyone walk faster than him, he walked like the ground was folded for him.

'Alee Bin Abee Taalib has said: he would lean when walking as if was descending a slope.

This is the walk of brave men and it is the most comfortable walk. The most high has said: **{the servants of the most gracious walk with poise}** [Al Furqaan/63].

﴿وَعِبَادُ الرَّحْمَنِ الَّذِينَ يَمْشُونَ عَلَى الْأَرْضِ هَوْنًا﴾ [الفرقان: 63]

One who walked with the messenger of Allaah (may Allaah send salutations upon him) would exert himself as he proceeded with ease. This indicates that his pace was moderate.

His companions would walk in front of him, and he would say: (save my back for the angels). Sometimes he would walk barefoot and he would walk amongst his companions while alone or in groups. He walked during some of his battles, and once his toes began to bleed. While en route, he would allow the weak to ride with him and he would supplicate for them. This has been mentioned by Aboo Daawud.

His Guidance Concerning Sitting And Leaning

He sat on the ground, on mats, and on carpets. Qayla Bint Makhrama has said: I came to the messenger of Allaah (may Allaah send salutations upon him) as he sat with his thighs against his stomach. When I saw his reverent posture, I was awed. When 'Adee Bin Haatim arrived, he invited 'Adee to his home. When the slave gave him a pillow, he placed it between 'Adee and himself. 'Adee said: I knew that he was not a king and that he slept with one foot upon the other. He would lean upon a pillow using his right and left arm, and he would lean upon his companions due to weakness.

His Guidance Concerning The Restroom

He would say when going to answer a call of nature: (O Allaah, I seek refuge with you from male and female demons).

He would say upon his return: (I seek your forgiveness).

At times he would cleanse himself with water, at other times he would cleanse himself with stones, and sometimes he would cleanse himself with both.

He would usually urinate while sitting, and 'Aa'isha has said: if someone tells you that he urinated while standing, do not believe him. Hudhayfa has narrated that he urinated while standing and some have said:

this indicates permissibility

he did this due to pain

he did this as a remedy

The truth of the matter is that he did this to avoid his urine, and Allaah knows best.

'Umar Bin Al Khattaab has said: when the prophet (may Allaah send salutations upon him) saw me urinate while standing, he said: (O 'Umar, do not urinate while standing). He said: as a result, I never urinated while standing again. Narrated by At Tirmidhee.

He would recite the Qur'aan upon his return from the rest area.

He would cleanse himself with his left hand.

He did not grasp his penis nor did he pour water inside his urethra like those who hear whispering.

He would not respond to a greeting while urinating as Ibn 'Umar has narrated. However, Al Bazaar has narrated that he responded and said: (rather, I responded fearing that you would say that you did not receive a reply after greeting me. When you see me as such, do not greet me, because I will not respond). It has been said that this probably happened twice and it has also been said that the prophetic tradition of Muslim is more reliable, because it has been conveyed via Ad Dahhaak Bin 'Uthmaan, Naafi', and Ibn 'Umar. Whereas, the prophetic tradition of Al Bazaar has been conveyed via Aboo Bakr and Naafi', and Ad Dahhaak is more reliable than Aboo Bakr.

He would strike the ground with his hand after cleansing himself with water.

When performing a call of nature, he would not raise his garment until he reached the ground.

His Guidance Concerning The Fitra

The discrepancy concerning his circumcision has already been discussed.

He used his right hand when grooming, wearing sandals, eating, drinking, giving, and receiving. Whereas, he used his left hand when

answering a call of nature and cleansing himself afterward.

He taught that a hair cut must be proportioned, and he only shaved his head during pilgrimage.

He loved siwaak which he would use when fasting, awaking, performing ablution, praying, and returning home, and he used the siwaak of the Araak tree.

He loved fragrance.

He would part his hair.

He never entered a public bath.

He had a container which he used to apply antimony three times in both eyes before going to bed.

His companions have differed concerning his usage of dye. Anas has said that he did not use it while Aboo Hurayra has said that he did use it. Some have said that the messenger of Allaah (may Allaah send salutations upon him) used so much fragrance that his hair became red, thus some thought that it was dyed.

Someone asked Jaabir Bin Samura: did the messenger of Allaah (may Allaah send salutations upon him) have gray hair? He replied: he had only a few gray hairs.

He loved to comb his hair and sometimes 'Aa'isha would comb it.

His hair reached below his ear lobes and above his shoulders. When it became long, he would braid it in four strands.

He would never reject fragrance, and he has said: (if one is presented fragrance, do not reject it). He had a container which he would use to apply fragrance and his favorite fragrance was musk.

His Guidance Concerning Moustache Trimming

Ibn 'Abbaas has narrated that the messenger of Allaah (may Allaah send salutations upon him) trimmed his moustache, and it has been mentioned that Ibraaheem also trimmed his moustache. Zayd Bin Arqam has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (he who does not trim his moustache is not one of us). Narrated by At Tirmidhee who has said: an authentic prophetic tradition. Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (trim your moustaches, lengthen your beards, and oppose the Magians). Ibn 'Umar has narrated that the prophet (may Allaah send salutations upon him) has said: (oppose the polytheists, preserve your beards and shave your moustaches). Narrated by Al Bukhaaree and Muslim. Anas has said: the prophet (may Allaah send salutations upon him) prohibited that we neglect to trim our moustaches and clip our nails for more than forty days.

Is it better to trim the moustache or to shave it? The pious predecessors

have differed in this regard. Maalik has said in his Muwatta: the moustache is trimmed so that the edge of the lip becomes visible. Ibn 'Abdil Hakam has narrated that Maalik has said: the moustache is shaved and the beard is preserved, though the moustache is not removed. I hold that one who removes his moustache should be reprimanded.

Maalik has said: shaving the moustache is to trim it so that the edge of the lip becomes visible. He disliked that one exceed that point. He has said: I declare that it is an innovation to remove the moustache, and whoever does so should be beaten. 'Umar Bin 'Abdil 'Azeez has said: it is a prophetic tradition to trim the moustache so that the lip becomes visible. At Tahaawee has said: I have not found a written statement of Ash Shaafi'ee in this regard, though his companions whom we have seen shaved their moustaches. This indicates that they adopted this practice from Ash Shaafi'ee. He has said: as for Aboo Haneefa and his companions, they held that shaving was better than trimming as regards the head and moustache. As for Ahmad, Al Athram has said: I have seen Ahmad shave his moustache and I have heard him say: the moustache is shaved as the prophet (may Allaah send salutations upon him) has said: (shave your moustaches). Aboo Muhammad Bin Qudaama Al Maqdissee has said in Al Mughnee: one may shave or trim his moustache, though he may not remove it. Those who hold that the moustache should not be shaved rely upon the prophetic traditions of Aboo Hurayra and 'Aa'isha: (ten acts are of the fitra) (the acts of the fitra are five), and trimming the moustache was mentioned.

Those who hold that the moustache should be shaved rely upon authentic prophetic traditions which oblige this act. Aboo Hurayra has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (shave your moustaches and lengthen your beards). At Tahaawee has said: since everyone holds that trimming the moustache is a prophetic tradition, shaving it is better when comparing it to the head, and the prophet (may Allaah send salutations upon him) supplicated three times for those who shave their heads. Whereas, he only supplicated once for those who trim them.

His Guidance Concerning Speech, Silence, And Weeping

He was the most eloquent, his speech was captivating as his enemies have testified. 'Aa'isha has said: the messenger of Allaah (may Allaah send salutations upon him) did not speak as you do. Rather, his speech was clear and memorized by those who sat with him. He would often repeat his speech three times to be understood. He would greet three times and would remain silent for a long period of time. He would not speak unnecessarily and his speech was comprehensive, though not excessive. He spoke only about what concerned him and what could bear a reward. His face would

reveal his displeasure. He was not vulgar. He would laugh with a smile, and sometimes his teeth would show.

As for his weeping, he would not cry loudly. Rather, he would shed tears. He would weep for the deceased, he would weep for his nation, he would weep out of fear of Allaah, and he would weep when listening to the Qur'aan. He wept when his son Ibraaheem died, and he has said: (we grieve, though we only say what pleases our lord). He wept as he watched one of his daughters die and he wept when Ibn Mas'ood reached the following verse: **{how will it be when we bring a witness from every nation and bring you as a witness against them}** [An Nisaa/41].

﴿فَكَيْفَ إِذَا جِئْنَا مِنْ كُلِّ أُمَّةٍ بِشَهِيدٍ وَجِئْنَا بِكَ عَلَى هَؤُلَاءِ شَهِيدًا﴾ [النساء: 41]

He wept upon the death of 'Uthmaan Bin Madh'oon, he wept when he performed the prayer of the solar eclipse, he wept as he sat at the grave of one of his daughters, and he wept occasionally during the night prayer.

Weeping is of various types

1. the weeping of compassion
2. the weeping of fear
3. the weeping of love
4. the weeping of joy
5. the weeping of distress
6. the weeping of sorrow

The weeping of sorrow is produced by misfortune. Whereas, the weeping of fear is produced by anxiety. The weeping of joy is produced by an elated heart which yields cold tears. Whereas, the weeping of sorrow is produced by a sad heart which yields hot tears. For this reason, what brings joy is called the coolness of the eye, and what brings sorrow is called the warmth of the eye.

7. the weeping of weakness

8. the weeping of hypocrisy.

A hypocrite sheds tears while his heart is callous.

9. the weeping of one who receives payment

10. the weeping of conformity

This is where a man weeps because other people are weeping, but he is unaware of the cause.

There is affected weeping which is praiseworthy and blameworthy. It is praiseworthy when induced by reverence and blameworthy when induced by pretense.

When 'Umar Bin Al Khattaab saw the messenger of Allaah (may Allaah send salutations upon him) and Aboo Bakr weeping over the captives of Badr, he said: tell me why you weep O messenger of Allaah so that I may weep. However, if I am unable, I will pretend since you are both crying.

Some of the pious predecessors have said: weep out of fear of Allaah, and if you are unable, then pretend.

His Guidance Concerning The Sermon

He delivered the sermon on the ground, on the minbar, and on his camel. His eyes would become red while delivering the sermon and his voice would rise. His anger would increase like he was warning an army. He would say: (the finest speech is the book of Allaah and the finest guidance is the guidance of Muhammad. The most evil of affairs are those which were not known, and all innovation is misguidance).

He would begin every sermon by praising Allaah. As for the many jurists who say that he began the sermon of istisqaa by seeking forgiveness and that he began the sermon of 'eed with takbeer, they have no evidence whatsoever.

He would deliver the sermon while standing and it has been narrated that he would ascend the minbar, face the people, and say: (peace be upon you).

He would conclude his sermon by seeking forgiveness and would often include the Qur'aan in his sermons.

Umm Hishaam Bint Haaritha has said: I learned Qaaf from the messenger of Allaah (may Allaah send salutations upon him) who would recite it upon the minbar during every Jumu'a sermon. Narrated by Muslim.

Ibn Mas'ood has narrated that the messenger of Allaah (may Allaah send salutations upon him) would point his finger while saying: (praise belongs to Allaah whose aid and forgiveness we seek. We seek his protection from the evils of our souls, and whomever he guides cannot be misguided, and whomever he misguides cannot be guided. I declare that there is no deity worthy of worship except Allaah and that Muhammad is his slave and messenger. He has sent him with the truth as a giver of glad tidings and a warner as the hour approaches. Whoever obeys Allaah and his messenger is guided, and whoever disobeys them harms only himself). Narrated by Aboo Daawud.

His sermons revolved around the praise of Allaah, the fundamentals of Islaam, the afterlife, and the pleasure and displeasure of Allaah. In general, he would always address the needs of those in attendance.

His minbar had three steps. Once he ascended and faced the people, the call to prayer would begin. Once the sermon began, all would remain silent. He would lean upon a staff, and the three who succeeded him did the same. He would occasionally lean upon a bow, though it has not been recorded that he leaned upon a sword. Some people believe that he held a sword upon the minbar to represent the establishment of this religion. However, this is due to sheer ignorance, because it is recorded that he leaned upon a bow and a staff. Furthermore, this religion was established with revelation. As for the sword, it was used to annihilate the polytheists.

He would pause when interrupted and resume afterward. As he was delivering the sermon one day, Al Hasan and Al Husayn came stumbling over their garments. As a result, he said: (Allaah the great has spoken the truth **{your wealth and children are a trial for you}**) [Al Anfaal/28].

﴿وَأَعْلَمُوا أَنَّمَا آمَاؤُكُمْ وَأَوْلَادُكُمْ فِتْنَةٌ﴾ [الأنفال: 28]

I saw them stumbling over their garments, so I paused in order to carry them).

He would shorten and lengthen his sermon according to the needs of the people. He would also address the women only during the 'eed and would encourage them to be charitable, and Allaah knows best.

His Guidance Concerning Worship

Ablution

He usually performed ablution before each prayer, and he would conserve water like none other when doing so. He warned his nation about wastefulness during ablution, and he said to Sa'd: (do not waste water). Sa'd asked: can water be wasted? He replied: (yes, even if you are before a river).

He washed his limbs one, twice, and three times.

He rinsed his mouth and inhaled water simultaneously one, twice, and three times. Only this can be done when rinsing and inhaling once, though both acts can be done together or separately when rinsing two or three times. However, it was his practice to rinse and inhale simultaneously, and 'Abdullaah Bin Zayd has narrated that the messenger of Allaah (may Allaah send salutations upon him) rinsed and inhaled with one hand three times. This is the most reliable narration in this regard. Whereas, it has never been mentioned in an authentic tradition that he rinsed and inhaled separately.

He would inhale with his right hand and exhale with his left hand, and he would wipe his entire head from front to back and back to front, but he did not wipe his head twice. Aboo Daawud has said: the authentic traditions of Uthmaan indicate that he wiped his head once, and there is not one authentic tradition which mentions that he only wiped part of his head.

He always rinsed and inhaled, and he performed ablution in order without interruption. He would wipe his head, his turban, and his forelock and turban. He would wash his feet when bare and would wipe them when covered. He would wipe his head and the inside and outside of his ears simultaneously. There is no authentic tradition which mentions that he wiped his neck or that he said anything other than the tasmiya in the beginning of his ablution and the following afterward: (I declare that there is no deity worthy of worship except Allaah who has no partner, and I declare that Muhammad is his slave and messenger. O Allaah, cause me to engage in repentance and purification) (glory and praise belongs to you O Allaah. I declare that there is no deity worthy of worship except you. I seek your

forgiveness and repent to you).

Similarly, it has not been established that he exceeded his elbows and ankles during ablution, or that he dried his limbs.

He would not always pour the water himself when performing ablution, and it has been mentioned in the two authentic collections that Al Mugheera Bin Shu'ba poured the water during a journey.

He would occasionally separate his beard, and At Tirmidhee has authenticated traditions in this regard. However, Ahmad has said that there are no authentic traditions in this regard. Similarly, he would occasionally separate his toes. As for moving his ring, an unauthentic tradition has been narrated in this regard.

His Guidance Concerning The Wiping Of Leather Socks

He wiped his leather socks as a resident and traveler, and he allowed a resident to wipe for a day while allowing a traveler to wipe for three days. He would wipe the top of his leather socks, cotton socks, and sandals. He would also wipe his turban and his forelock and turban.

He would wipe his feet when wearing leather socks and would wash them when not wearing leather socks, but he did not wear them in order to wipe them.

His Guidance Concerning Tayammum

He would perform tayammum by touching the ground, his face, and his palms. However, there is no authentic tradition which mentions that he touched the ground twice or that he wiped from his hands to his elbows.

As for the description of tayammum which states that the fingers of the left hand are placed over the fingers of the right hand and are brought to the elbow, and that the palm is brought to the underside of the forearm with the left thumb erect, and that the left thumb is brought to the right thumb, it is known for certain that it is not prophetic in origin. Similarly, there is no authentic tradition which states that tayammum is performed for every prayer. Rather, it is a substitute for ablution, and this necessitates similar legal status until legal evidence necessitates otherwise.

His Guidance Concerning Prayer

He would utter the takbeer when standing for prayer, though he would not state his intention or say anything else beforehand. Some have been misled by the following statement of Ash Shaafi'ee concerning prayer: it is unlike fasting, thus it is undertaken with an utterance. Consequently, it was assumed that the utterance was the intention. However, Ash Shaafi'ee was referring to takbeeratul ihraam. Furthermore, how could he prefer an act which the prophet (may Allaah send salutations upon him) never performed?

He would raise his hands and separate his fingers while uttering the

takbeer, and they would reach his ears and also his shoulders. He would then place his right hand over his left and he would commence with one of the following supplications:

(O Allaah, separate me from my sins as you have separated the east and west...).

(I have turned my face as a monotheist unto the one who has created the heavens and earth...). He would commence with this supplication during the night prayer.

(O Allaah, lord of Jibraa'eel, Meekaa'eel and Israafeel, creator of the heavens and earth, knower of the seen and unseen...).

(O Allaah, praise belongs to you the light of the heavens and earth...)

(Allaah is great, Allaah is great, Allaah is great...)

(Allaah is great) 10 times, (glory be to Allaah) 10 times, (praise belongs to Allaah) 10 times, (there is no deity worthy of worship except Allaah) 10 times, (I seek the forgiveness of Allaah) 10 times, (O Allaah, forgive me, guide me, and grant me sustenance and well being) 10 times, (O Allaah, I seek your protection from a constricted standing place on the day of resurrection) 10 times.

(glory be to you O Allaah...). The preceding supplications are more reliable than this supplication, though 'Umar Bin Al Khattaab would commence with it and would teach others to do so as well. Ahmad has said: as for myself, I accept what has been narrated via 'Umar.

Ahmad chose this supplication for ten reasons, amongst which was that 'Umar instructed the companions to commence with it.

In addition, this supplication contains the finest speech after the Qur'aan, and it is one within which Allaah is praised, and glorification is greater than supplication. For this reason, Al Ikhlâas equals 1/3 of the Qur'aan, because within it Allaah the blessed and most high is described and exalted, and this is why the tasbeeh, tahmeed, tahleel, and takbeer comprise the finest speech after the Qur'aan.

'Umar taught others to commence with this supplication during obligatory prayers. Whereas, most of the remaining supplications were recited during voluntary prayers.

This supplication is one within which Allaah is praised and described with characteristics of magnificence and perfection. Whereas, (I have turned my face...) is an expression of servitude. Furthermore, this supplication is a only a portion of a prophetic tradition in contrast to (glory be to you O Allaah...) which is an entire prophetic tradition.

Afterward, he would say: (I seek the protection of Allaah from Shaytaan the accursed), and then he would recite Al Faatiha. As for the tasmiya, he would recite it silently more than he would audibly.

He would raise his voice during recitation.

He would extend his voice while reciting and would stop at the end of every verse.

He would say (aameen) upon completing Al Faatiha.

He would pause between the takbeer and Al Faatiha, and it has been narrated that he paused after it and the recitation which follows it. Samura Bin Jundub has said: I have recorded that the messenger of Allaah (may Allaah send salutations upon him) paused twice, once after the takbeer and once after Al Faatiha. It has been mentioned in other narrations that he paused after the recitation which follows Al Faatiha.

Upon completing Al Faatiha, he would begin another chapter, and circumstances would dictate the length of his recitation.

He would recite between sixty and 100 verses during the dawn prayer. He would recite Qaaf, Ar Room, Ash Shams, Az Zalzala, Al Falaq, and An Naas. While en route, he recited Al Mu'minoon in the first standing until reaching the point where Moosa and Haaron are mentioned, he then began coughing and was forced to bow.

He would recite As Sajda and Al Insaan in their entirety during the Jumu'a prayer. However, he would not recite a portion of one chapter in a standing and a portion of another chapter in the next standing, nor would he recite As Sajda in two standings. As for those who believe that the dawn of Jumu'a has been designated for As Sajda, they are utterly mistaken. Rather, he would recite these two chapters then because they mention the beginning and the end and what has occurred and will occur on Jumu'a. He would recite As Sajdah as a reminder of events which transpired on Jumu'a and will transpire on Jumu'a in the same way that he would recite Qaaf and Al Ghaashiya during major gatherings.

His Guidance Concerning The Extension Of Prayer

He would occasionally extend recitation during the afternoon prayer, and Abou Sa'eed has said: once the afternoon prayer began, one could go to Al Baqee', return home for ablution, and join the prophet (may Allaah send salutations upon him) in the first standing. Narrated by Muslim.

He would occasionally recite Al A'la, Al Layl, Al Burooj, and At Taariq.

As for the late afternoon prayer, when it was extended, the amount of recitation would be half of what it was during the afternoon prayer. When it was reduced, the amount of recitation would be the same as what it was during the afternoon prayer.

As for the sunset prayer, his guidance contrasts current practice. He once recited Al A'raaf in two standings and At Toor and Al Mursalaat.

As for the constant recitation of short chapters, it was the practice of Mirwaan Bin Al Hakam who was criticized by Zayd Bin Thaabit.

As for the night prayer, he recited At Teen, Ash Shams, Al A'la, and Al Layl, and he criticized Mu'aadh for reciting Al Baqara.

As for the tradition of Samura who narrated that the prophet (may Allaah send salutations upon him) would recite Qaaf during the dawn prayer and that his prayer afterward was brief, he meant that the dawn prayer was long and subsequent prayers were shorter.

As for his statement: (if any of you lead prayer, be brief) , brevity is relative while his practice is absolute. A long prayer of his could appear brief in comparison to a longer prayer, but it is his consistent practice which is decisive. Ibn 'Umar has said: the messenger of Allaah (may Allaah send salutations upon him) ordered us to observe brevity during prayer, and he would recite As Saaffaat. Narrated by An Nasaa'ee.

This is an example of the brevity which he enforced.

His Recitation

He only recited specifically during the Jumu'a and 'eed prayers.

He would recite an entire chapter in two standings.

He would recite the beginning of a chapter, but not the middle or end of it.

He would recite two chapters in one standing during voluntary prayers.

He would rarely recite one chapter in two standings. A man heard him recite Az Zalzala in two standings during the dawn prayer and said: I do not know if he did that intentionally or unintentionally. Narrated by Aboo Daawud.

The Extent Of His Recitation

His first standing was longer than the second standing, and his dawn prayer was longer than his remaining prayers. Reason being, it is witnessed by Allaah and his angels. There are additional reasons which are as follows:

a long recitation compensates for the lesser amount of standings

the dawn prayer is performed once people have awoken, thus they are relaxed

people are not distracted at this time, thus they can concentrate upon the Qur'aan

the dawn prayer is the basis of daily action

A Description Of His Prayer

Once he completed recitation, he would pause. Afterward, he would raise his hands and utter the takbeer while bowing. He would grasp his knees with his palms and would remain with his back level. He would not raise or lower his head. Rather, he would hold it in a level position.

He would say: (glory be to my lord the great) (glory and praise be to you our lord, forgive me). His usual bowing and prostration would last for the time needed to say subhaanallaah ten times.

He would also say: (glorified and sanctified is the lord of the angels and the soul) (O Allaah, I bow before you, I believe in you, and I submit to you.

My mind, body, and senses revere you). It has been recorded that he said this during the night prayer.

Afterward, he would raise his head and hands while saying: (Allaah hears he who praises him). It has been narrated by thirty people that he raised his hands in three instances, and conflicting narrations are unreliable. As for the fact that Ibn Mas'ood did not raise his hands in these three instances, the well known practice of the prophet (may Allaah send salutations upon him) takes precedence. In addition, there are other acts of prayer which have been neglected due to the practice of Ibn Mas'ood.

He would maintain erect posture when rising, and he has said: (if one is not erect after bowing and prostrating, his prayer is unacceptable). Narrated by Ibn Khuzayma.

He would say when rising: (praise belongs to you our lord) , and he would bow, stand, and prostrate for one duration.

He would say:

(Allaah hears he who praises him. O Allaah, you deserve praise as abundant as the heavens and earth...)

(O Allaah, cleanse me of sin...)

(praise belongs to my lord, praise belongs to my lord)

He bowed and stood afterward for a long time during the solar eclipse prayer.

Our teacher has said: to bow and stand briefly is one of the numerous innovations of Banoo Umayya.

Afterward, he would utter the takbeer and prostrate without raising his hands. His knees would then reach the ground followed by his hands, forehead, and nose. Waa'il Bin Hujr has said: I have seen the messenger of Allaah (may Allaah send salutations upon him) prostrate, and his knees would reach the ground before his hands. When rising, his hands would precede his knees.

As for the following prophetic tradition of Aboo Hurayra: (when prostrating, do not kneel like a camel. May your hands precede your knees) , it is contradictory, because a camel kneels hands first. When it rises, it does so legs first.

Perhaps the prophetic tradition of Aboo Hurayra has been reversed and is actually: (may your knees precede your hands). Similarly, the following prophetic tradition of Ibn 'Umar has been reversed: (Bilaal calls to prayer during the night, so eat and drink until Ibn Umm Maktoom calls to prayer). It was subsequently narrated: (Ibn Umm Maktoom calls to prayer during the night, so eat and drink until Bilaal calls to prayer).

Ibn Al Mundhir has said: scholars have differed in this regard. Amongst those who hold that the knees should precede the hands are: 'Umar Bin Al Khattaab, Ath Thawree, Ash Shaafi'ee, Ahmad, Ishaaq, Aboo Haneefa and the people of Al Koofa.

Amongst those who hold that the hands should precede the knees are: Maalik, Al Awzaa'ee, and the people of prophetic tradition.

I say: the prophetic tradition of Aboo Hurayra has been narrated with a different wording: (when prostrating, do not kneel like a camel. Place your hands upon your knees). Narrated by Al Bayhaqee.

As for the prophetic tradition of Waa'il Bin Hujr, it is more reliable for numerous reasons:

The wording of the prophetic tradition of Aboo Hurayra has differed from one narration to another.

Ibn Al Mundhir has said: some of our companions have claimed that the practice of prostrating hands first has been abrogated.

The prophetic tradition of Waa'il Bin Hujr agrees with the practice of 'Umar Bin Al Khattaab, his son, and 'Abdullaah Bin Mas'ood.

The prophetic tradition of Waa'il Bin Hujr is supported by the prophetic traditions of Ibn 'Umar and Anas.

The majority act in accordance with the prophetic tradition of Waa'il Bin Hujr.

The prophetic tradition of Waa'il Bin Hujr is a narrative of well known authentic practices, amongst which is prostrating knees first, and Allaah knows best.

The prophet (may Allaah send salutations upon him) would prostrate upon his forehead and nose, but not his turban. He would separate his hands until the whiteness of his underarms would appear, and if a young sheep wished to pass beneath them, it could.

He would place his hands opposite his shoulders and ears, and Al Baraa has narrated that he has said: (when you prostrate, place your palms on the ground and raise your elbows). Narrated by Muslim.

His fingers and toes would face the qibla as he prostrated.

When bowing, he would separate his fingers. When prostrating, he would join them. Narrated by Ibn Hibbaan.

He would say:

(glory be to my lord the most high)

(O Allaah, glory and praise be to you. O Allaah, forgive me).

(glorified and sanctified is the lord of the angels and the soul).

(glory and praise be to you O Allaah, there is no deity worthy of worship except you).

etc.

He ordered that one supplicate diligently while prostrating saying: (you are bound to receive a response) , but is this a command to supplicate frequently when prostrating, or is it a command to supplicate during prostration? The best interpretation is that supplication is of two types, namely a supplication of praise and a supplication of appeal. The prophet (may Allaah send salutations upon him) would frequently utter supplications

of praise and appeal while prostrating and he instructed others to do so as well.

Similarly, a response is of two types, namely one may be given what he has asked for, or he may be rewarded for praising Allaah. It has been said that the following verse includes the former and latter response: **{I respond to the one who invokes me}** [Al Baqara/186].

﴿أَجِيبْ دَعْوَةَ الدَّاعِ إِذَا دَعَانِ﴾ [البقرة: 186]

Standing And Prostration In Terms Of Superiority

People have differed concerning standing and prostration in terms of superiority. Those who have chosen standing have done so for the following reasons:

What is said while standing is the greatest, thus it is the greatest pillar of prayer.

Allaah has said: **{stand reverently for Allaah}** [Al Baqara/238].

﴿وَقُومُوا لِلَّهِ قَانِتِينَ﴾ [البقرة: 238]

He has said: (the best standing is one which is long).

Those who have chosen prostration rely upon the following:

(a servant is nearest to his lord when prostrating).

(if a servant prostrates once to Allaah, he will raise him a degree and pardon an offense of his).

(assist me to assist you by prostrating frequently).

The first chapter which was revealed to the messenger of Allaah (may Allaah send salutations upon him) was Al 'Alaq, and it concludes as follows: **{prostrate and become closer}** [Al 'Alaq/19].

﴿وَأَسْجُدْ وَاقْتَرِبْ﴾ [العلق: 19]

The lowly and exalted prostrate to Allaah.

A servant is most subservient when prostrating, though he is most honored. For this reason, he is nearest to his lord, and prostration is the secret of servitude.

Some have held that a long standing by night and frequent bowing and prostrating by day are superior. They rely upon the following verse and prophetic tradition: **{stand during the night}** [Al Muzammil/2].

﴿قُرْآنُ اللَّيْلِ﴾ [المزمل: 2]

(Whoever stands faithfully during Ramadaan seeking a reward). They also say that the prophet (may Allaah send salutations upon him) would not exceed eleven of thirteen bowings.

At times he would recite Al Baqara, Aalu 'Imraan, and An Nisaa in one standing during the night. Whereas, his voluntary prayers during the day were brief.

Our teacher has said: the truth of the matter is that standing is superior in terms of recitation while prostration is superior in terms of form. When the messenger of Allaah (may Allaah send salutations upon him) would prolong his standing, he would also prolong his bowing and prostration as he did during the prayer of the solar eclipse. Conversely, when he would reduce his standing, he would also reduce his bowing and prostration as he did during obligatory prayers.

A Description Of His Prayer

He would rise from prostration while uttering the takbeer, though he would not raise his hands. He would rise head first and would sit upon his left foot while raising his right foot. Ibn 'Umar has said: it is desireable that you sit upon your left foot while raising your right foot allowing your toes to face the qibla.

He would place his hands and elbows upon his thighs and would touch his knees. He would join two of his fingers forming a circle and would move his pointer finger as Waa'il Bin Hujr has narrated.

As for the tradition of 'Abdullaah Bin Az Zubayr which appears in Sunan Abee Daawud that states that the prophet (may Allaah send salutations upon him) would point his finger without moving it, the authenticity of the addition (without moving it) is questionable. Muslim has mentioned this entire prophetic tradition without the previous addition. Furthermore, the tradition which appears in Sunan Abee Daawud does not state that this action was performed during prayer, and even if it did, it is negative. Whereas, the prophetic tradition of Waa'il Bin Hujr is affirmative and authentic.

He would say the following between two prostrations: (O Allaah, forgive, guide, and sustain me) (my lord forgive me, my lord forgive me).

He would sit for the duration of his prostration, and this is a prophetic tradition which was neglected upon the demise of the companions.

He would sit before standing and would rise without touching the ground. However, jurists have differed concerning this sitting. Al Khallaal has said: Yoosuf Bin Moosa has informed me that Aboo Umaama has said: this sitting has only been mentioned in the traditions of Aboo Hameed and Maalik Bin Al Huwayrith, and if it was a regular practice of the messenger of Allaah (may Allaah send salutations upon him), it would be mentioned by all who described his prayer. Furthermore, this sitting cannot be considered desireable unless it is known that he wished to be emulated.

He would recite without a pause. As for seeking the protection of Allaah, Aboo Hurayra has narrated that the prophet (may Allaah send salutations upon him) would recite Al Faatiha without a pause when rising from the second bowing. As for the recitation which preceded, it was not followed by

silence. Rather, it was followed by remembrance. Consequently, it was sufficient for him to seek the protection of Allaah only once.

As for the tradition of ‘Abdullaah Bin Az Zubayr which appears in Muslim that states that the prophet (may Allaah send salutations upon him) would sit placing his left foot between his thigh and shin while placing his right foot on the ground, it refers to the second sitting. Similarly, the tradition of Aboo Hameed which appears in Al Bukhaaree and Muslim states that he placed his posterior and left foot on the ground while raising his right foot.

Maalik has said that one places the posterior and left foot on the ground while raising his right foot during the first and second sittings. Aboo Haneefa has said that one sits upon his left foot while raising his right foot during both sittings. Ash Shaafi’ee has said that one places the posterior and left foot on the ground while raising his right foot during the final sitting, and Ahmad has said that one places the posterior and left foot on the ground while raising his right foot during the second sitting.

During this sitting, he would supplicate quickly and would not send salutations upon himself and his family, nor would he seek refuge from the torture of the grave and the tribulation of life, death, and the Anti-Christ. In fact, it has been authentically illustrated that he did so during the second sitting.

He would rise while uttering the takbeer with his hands upon his thighs, and Aboo Hameed As Saa’idee has said: once the messenger of Allaah (may Allaah send salutations upon him) had risen from the second bowing, he would place his hands opposite his shoulders as he did at the beginning of prayer...).

He would recite Al Faatiha only, though Ash Shaafi’ee and others hold that it is desirable to recite additional chapters during the third and fourth standings, and they have relied upon the tradition of Aboo Sa’eed who has said: we estimated that the messenger of Allaah (may Allaah send salutations upon him) stood during the first and second standings of the afternoon prayer for the duration of As Sajda, and we estimated that he stood during the third and fourth standings for ½ of the duration of As Sajda...). Narrated by Muslim.

However, Aboo Qataada has said: the messenger of Allaah (may Allaah send salutations upon him) would recite Al Faatiha and two chapters in the first and second standings of the afternoon and late afternoon prayers...). Muslim has added: and he would recite Al Faatiha in the third and fourth standings. As for the tradition of Aboo Sa’eed, it is an estimate. Whereas, the tradition of Aboo Qataada could indicate that he recited Al Faatiha in every standing and did not recite another chapter in the third and fourth standings. Consequently, it could be said this was his regular practice and

that he occasionally recited chapters other than Al Faatiha as the tradition of Aboo Sa'eed has indicated. Similarly, it was his regular practice to extend the recitation of the dawn prayer, but he would occasionally reduce it.

His Final Sitting

During the final sitting, the prophet (may Allaah send salutations upon him) would place his posterior and left foot on the ground while raising his right foot.

'Abdullaah Bin Az Zubayr has narrated that he would sit placing his left foot between his thigh and shin while placing his right foot on the ground. This posture has only been mentioned before the greeting. Ahmad and those who have agreed with him have said: this is a specific aspect of a prayer with two sittings, and Aboo Hameed has mentioned this saying: when he would sit during the final bowing. He also said: when he would sit during the fourth bowing.

As for his statement: during the final sitting, he would sit placing his posterior and left foot on the ground, it is relied upon by those who hold that this posture should precede every greeting, and this is the view of Ash Shaafi'ee. However, the wording of this tradition indicates that this sitting preceded the greeting during prayers of three and four bowings. Furthermore, he described his first sitting and then he said: after the final prostration, he would sit placing his posterior and left foot on the ground. This indicates that this posture was intended for the final sitting.

His Supplication While Sitting

He would sit placing his right hand on his right thigh while joining three fingers and pointing, and Muslim has mentioned the narration of Ibn 'Umar who has said that he would place his left hand on his left thigh.

Waa'il Bin Hujr has said: he would place his right elbow on his right thigh while joining two fingers and forming a circle. He would then point while supplicating and moving his finger. Narrated by Aboo Daawud.

Those who say that he joined three fingers meant that his middle finger was not extended like his pointer finger, and those who say that he joined two fingers meant that his ring finger and little finger were joined.

As for his left hand, he would separate his fingers.

He would supplicate upon every second sitting, and he would supplicate in seven instances overall: after takbeeratul ihraam, after recitation, while bowing, after bowing, when prostrating, after prostrating once, and after supplicating and before greeting.

As for after prayer supplication while facing the qibla or those in attendance, it was not his practice. A servant is closest to his lord during prayer, so how could he supplicate afterward? However, when one remembers Allaah after prayer, he should send salutations upon the prophet

(may Allaah send salutations upon him) , and then he should supplicate, and Fudaala Bin 'Ubayd has narrated that the prophet (may Allaah send salutations upon him) has said: (once you have prayed, praise Allaah, send salutations upon the prophet (may Allaah send salutations upon him) , and supplicate as you please). Narrated by At Tirmidhee who has said: an authentic prophetic tradition.

His Greeting During Prayer

He would greet toward the right and left saying: (may the peace and mercy of Allaah be upon you). This has been narrated by twenty-five companions. It has also been narrated that he would greet without turning his face, though the best narration which exists in this regard is following unauthentic tradition of 'Aa'isha which appears in the Sunan: he would greet once saying peace be upon you, and he would awaken us. This was during the night prayer. Whereas, he was witnessed greeting twice during the obligatory and voluntary prayers. Furthermore, 'Aa'isha did not negate a second greeting. Rather, she did not mention it.

Aboo 'Umar Bin 'Abdil Barr has said: Sa'd Bin Abee Waqqaas, 'Aa'isha, and Anas have narrated that the prophet (may Allaah send salutations upon him) would greet once. However, these narrations are unreliable, and those who support this practice have no evidence except for the actions of the people of Al Madeena. They say: this is a practice which has been passed down, and similar practices may be adopted since they are displayed over and over daily.

Jurists have rejected this approach, and they are correct. Prophetic tradition cannot be opposed by the practice of a locale. Furthermore, the actions of the people of Al Madeena which are relied upon are those which were displayed during the era of the rightly guided successors. Rather, it is the prophetic tradition which is decisive, and not the practice of people who came after the messenger of Allaah (may Allaah send salutations upon him) and his rightly guided successors.

His Supplication During Prayer

He would say during prayer: (O Allaah, I seek your protection from sin, debt, the torture of the grave, and the tribulation of life, death, and the Anti-Christ)

(O Allaah, forgive me, make my home comfortable, and bless the sustenance which you have granted me).

(O Allaah, grant me resolve and gratitude. May my worship be fine, may my heart be well, and may my tongue be truthful. I ask for the good which is known to you, I seek refuge from the evil which is known to you, and I seek your forgiveness for what is known to you).

(my lord, make my soul reverent and pure, for your cleansing is the best.

You are the master of my soul).

Ahmad has mentioned that the prophet (may Allaah send salutations upon him) would lower his head when standing during prayer. When sitting, his sight would not exceed his pointer finger. He used to say: (prayer has been made the coolness of my eyes). Nevertheless, his remained cognizant of those whom he lead. He would wish to extend prayer, though he would shorten it due to a crying baby.

His granddaughter Umaama Bint Abee Al 'Aas Bin Ar Rabee' would sit upon his shoulders as stood during the obligatory prayer, and he would remove her when bowing.

He would respond to a greeting with a gesture, and Jaabir has said: the messenger of Allaah (may Allaah send salutations upon him) sent me to perform an errand. Afterward, I found him praying, so I greeted him and he pointed to me. Narrated by Muslim.

He would blow during prayer.

He would cry during prayer.

He would clear his throat during prayer.

He would pray barefoot and while wearing sandals, and he has commanded us to oppose the Jews by wearing sandals while praying.

He would pray while wearing one garment, though he usually prayed while wearing two garments.

Al Qunoot

He recited al qunoot for one month during the dawn prayer after bowing, though this was not a regular practice of his, and Sa'd Bin Taariq Al Ashja'ee has said: I said to my father: you have prayed behind the messenger of Allaah (may Allaah send salutations upon him) , Aboo Bakr, 'Umar, 'Uthmaan, and 'Alee for five years, so did they recite al qunoot during the dawn prayer? He said: it is an innovation my son.

If the messenger of Allaah (may Allaah send salutations upon him) recited al qunoot every morning, this practice would be well known like other aspects of the dawn prayer. Conversely, if this nation could neglect a matter like al qunoot, it could also neglect other aspects of the dawn prayer.

Rather, he would recite al qunoot during times of adversity, and he would not do so during the dawn prayer only. Ibn 'Abbaas has said: the messenger of Allaah (may Allaah send salutations upon him) recited al qunoot for one month during the dawn, afternoon, late afternoon, sunset, and night prayers. Once he would say: (Allaah hears he who praises him) during the final bowing, he would supplicate against Banoo Saleem, Ra'l, Dhakwaan, and 'Asiyya, and those behind him would say ameen. Narrated by Aboo Daawud.

He would usually recite al qunoot to extend the dawn prayer and to

supplicate during the time of response. He would also recite al qunoot because Allaah and the angels witness the dawn prayer, and the most high has said: **{the dawn recitation is indeed witnessed}** [Al Israa/78].

﴿إِنَّ قُرْآنَ الْفَجْرِ كَانَ مَشْهُودًا﴾ [الإسراء: 78]

It has been confirmed that Aboo Hurayra has said: by Allaah, my prayer is closest to the prayer of the messenger of Allaah (may Allaah send salutations upon him) , and Aboo Hurayra would recite al qunoot during the final standing of the dawn prayer after bowing. However, Aboo Hurayra sought to teach others that this supplication is a prophetic tradition, and this disproves the people of Al Koofa who dislike that it be recited during the dawn prayer regardless of circumstances. Rather, one who recites it and one who does not are both commendable.

One who leads prayer may recite al qunoot audibly so that those who follow him may learn it, and ‘Umar recited the opening supplication audibly for the same reason.

As for Ja’far Ar Raazee who has narrated that Anas has said: the messenger of Allaah (may Allaah send salutations upon him) did not neglect al qunoot until he left this world, Ahmad and others have declared him an unreliable narrator. Furthermore, this exact supplication has not been referred to, because al qunoot applies to standing, silence, perpetual worship, supplication, glorification, and reverence.

Al Baraa Bin ‘Aazib has narrated that the prophet (may Allaah send salutations upon him) would not neglect al qunoot during obligatory prayers. Although this tradition is unauthentic in terms of transmission, it is authentic in terms of meaning. Reason being, al qunoot is supplication, and the messenger of Allaah (may Allaah send salutations upon him) would always supplicate during prayer. This is the meaning of the tradition of Ja’far Ar Raazee.

The only conclusive narration which exists in this regard states that the prophet (may Allaah send salutations upon him) taught Al Husayn Bin ‘Alee al qunoot. He has said: the messenger of Allaah (may Allaah send salutations upon him) taught me words which I say during the witr prayer: (O Allaah, guide me amongst those whom you have guided. Make me well amongst those whom you have made well. Grant me authority amongst those whom you have granted authority. Bless what you have granted me. Protect me from the evil which you have predestined, and your decree cannot be overturned, and he whom you have aided cannot be disgraced. Our lord you are blessed and exalted). At Tirmidhee has said: an authentic (hasan) prophetic tradition. We know of no prophetic tradition concerning al qunoot which is finer than this.

As for the companions, they would recite al qunoot during times of

adversity. Aboo Bakr did so when the companions fought Musaylima and the people of the book, and 'Umar did so when he fought Mu'aawiya and the people of Syria.

It appears that those who have narrated these stories meant that the companions engaged in supplication while standing, and Allaah knows best.

His Guidance Concerning The Prostration Of Forgetfulness

He has said: (I am a human being like yourselves, so when I forget, remind me).

Allaah kindly allowed him to forget during prayer so that a legal precedent could be established. He once forgot to sit, so he prostrated twice before greeting. Consequently, if one forgets a part of the prayer which is not a pillar, he should prostrate before greeting. In addition, once one engages in an act which is a pillar, he should not return to perform the act which he forgot. Reason being, when the prophet (may Allaah send salutations upon him) stood, those following him uttered the tasbeeh, so he informed them to rise with a hand gesture.

There is a discrepancy in this regard, 'Abdullaah Bin Buhayna has narrated that the prophet (may Allaah send salutations upon him) forgot to sit during the afternoon prayer, so he prostrated twice before greeting. Narrated by Al Bukhaaree and Muslim.

Ziyaad Bin 'Alaaqa has said: Al Mugheera Bin Shu'ba lead us in prayer, though he did not sit. As a result, those following him uttered the tasbeeh, so he informed them to rise with a hand gesture. Once he completed prayer, he prostrated twice before greeting. Afterward, he said: this is how the messenger of Allaah (may Allaah send salutations upon him) lead us. Declared authentic by At Tirmidhee.

The tradition of 'Abdullaah Bin Buhayna is more preferable since it is explicit. Whereas, the statement of Al Mugheera could apply to any of the acts which he performed. However, it is possible that the prophet (may Allaah send salutations upon him) prostrated before greeting and afterward. It is also possible that Al Mugheera meant that the prophet (may Allaah send salutations upon him) did not sit once he stood. Nevertheless, it is likely that Al Mugheera forgot to prostrate before greeting and did so afterward, though this could not be said if one did so beforehand.

He concluded the afternoon or late afternoon prayer prematurely. He then completed it and prostrated twice after greeting. He uttered the takbeer when prostrating and also when raising his head.

Aboo Daawud and At Tirmidhee have mentioned that the prophet (may Allaah send salutations upon him) prostrated twice, supplicated, and greeted. At Tirmidhee has said: an authentic (hasan ghareeb) prophetic tradition.

He once concluded prayer prematurely, so Talha Bin 'Ubaydillaah said:

you forgot one bowing. As a result, he returned and ordered Bilaal to utter the iqaama. Afterward, he lead the people in a prayer of one bowing. Narrated by Ahmad.

He performed five bowings during the afternoon prayer, so he prostrated twice after greeting. Agreed upon.

He once concluded the late afternoon prayer prematurely and returned home. As a result, the people informed him of this, so he lead them in a prayer of one bowing. Once he concluded, he prostrated twice before greeting.

These are the five instances in which he prostrated due to forgetfulness.

Ash Shaafi'ee has said: one always prostrates before greeting.

Aboo Haneefa has said: one always prostrates after greeting.

Maalik has said: if one omits an act of prayer, he prostrates before greeting. If one adds an act an prayer, he prostrates afterward, and if one omits and adds an act of prayer, he prostrates before greeting.

As for Ahmad, Al Athram has said: I have heard Ahmad say: one prostrates before and after greeting as the prophet (may Allaah send salutations upon him) did.

If one is uncertain of which bowing he has reached and relies upon what is apparent to him, he should prostrate after greeting according to the tradition of Ibn Mas'ood. He may also act as if he has reached the bowing which he is certain of according to the tradition of Aboo Sa'eed Al Khudree and the tradition of 'Abdur Rahman Bin 'Awf.

Al Athram has said: I asked Ahmad: what does one do in other than the five instances in which the prophet (may Allaah send salutations upon him) prostrated due to forgetfulness? He replied: he should prostrate before greeting, because he is completing his prayer. However, if prophetic traditions did not exist in this regard, I would hold that one should always prostrate as such.

Ahmad has said that if one is uncertain of which bowing he has reached while leading prayer, he should rely upon what is apparent to him and should prostrate after greeting. He has also said that if one is uncertain of which bowing he has reached while praying individually, he should act as if he has reached the bowing which he is certain of and prostrate before greeting. However, it has been narrated that Ahmad chose the former practice regardless of circumstances, and it has also been narrated that he chose the latter practice regardless of circumstances.

Reverence During Prayer

He would not close his eyes during prayer, and this is proven by the fact that he saw heaven and hell. In addition, he would respond to a greeting with a hand gesture, and when Shaytaan approached him, he grabbed him and choked him. One may be certain due to these narrations as well as

others that he would not close his eyes during prayer.

Ahmad and others have said that it is a practice of the Jews to pray with their eyes closed. However, others have allowed this practice claiming that it is one of reverence which is the essence of prayer.

The truth of the matter is that one should pray with his eyes open if he can remain reverent. However, if there is something distracting in front of him, it is not disliked that he close his eyes. In fact, it would be most accurate to say that it is desirable for him to do so in this case.

What He Would Say And Do After Prayer

He would seek forgiveness three times and say: (O Allaah, you are the source of peace...) , he would then face those behind him.

He would proceed toward the right and left.

He would face those in attendance.

He would remain in his place of prayer until sunrise after performing the dawn prayer.

He would say the following after every obligatory prayer: (there is no deity worthy of worship except Allaah who has no partner. Praise and dominion belong to him, and his capability is unlimited...).

(there is no deity worthy of worship except Allaah who has no partner. Praise and dominion belong to him, and his capability is unlimited. He is the only source of strength...).

(O Allaah, forgive my past and future sins...). This is a portion of a long prophetic tradition which has been narrated by Muslim regarding what the messenger of Allaah (may Allaah send salutations upon him) would say during the opening supplication and while bowing and prostrating.

Muslim has narrated that the prophet (may Allaah send salutations upon him) would say this before greeting which is correct, he has also narrated that he would say this afterward. It is possible that he said this in both instances, and Allaah knows best.

He would also say:

(O Allaah, sustainer and owner of all creation...). Narrated by Aboo Daawud.

He recommended that we say thirty three times each: (glory be to Allaah, praise be to Allaah, Allaah is the greatest) , and that we say once afterward: (there is no deity worthy of worship except Allaah who is alone and has no partner. Praise and dominion belong to him, and his capability is unlimited).

It has been narrated that Allaah is the greatest should be said thirty-four times and that the following should be said twenty-five times each: glory be to Allaah, praise be to Allaah, Allaah is the greatest. There is no deity worthy of worship except Allaah who is alone and has no partner. Praise and dominion belong to him, and his capability is unlimited.

It has been narrated that we should say ten and each: glory be to Allaah, praise be to Allaah, Allaah is the greatest.

Aboo Haatim has mentioned that the prophet (may Allaah send salutations upon him) would say when leaving prayer: (O Allaah, rectify my religion which has made me infallible...).

Aboo Ayyoob has said: whenever the prophet (may Allaah send salutations upon him) would leave prayer I would hear him say: (O Allaah, forgive all of my sins...). Narrated by Al Haakim.

Al Haarith Bin Muslim At Tameemee has said: the prophet (may Allaah send salutations upon him) said to me: (once you have completed the dawn and sunset prayers, say seven times before speaking: O Allaah, rescue me from the fire. If you die that day, Allaah will write that you be protected from the fire).

Aboo Umaama has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (if one recites the verse of the footstool after every obligatory prayer, only death will prevent him from entering paradise). Narrated by An Nasaa'ee.

'Abdullaah Bin Hasan and his father have narrated that his grandfather has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (if one recites the verse of the footstool after every obligatory prayer, he will remain protected by Allaah until the next prayer). Narrated by At Tabaraanee.

I have been informed that our teacher Aboo Al 'Abbaas Ibn Taymiyya has said: I have not neglected to recite it after prayer.

'Uqba Bin 'Aamir has said: the messenger of Allaah (may Allaah send salutations upon him) has ordered me to recite Al Falaq and An Naas after every prayer. Narrated by At Tirmidhee.

Jaabir has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (one will enter paradise from any gate he pleases and will be granted a heavenly wife if he is a believer who either forgave his assassin, payed a debt in secrecy, or recited ten times after every obligatory prayer: **{say: he is Allaah who is alone}**).

﴿قُلْ هُوَ اللَّهُ أَحَدٌ﴾ [الإخلاص: 1]

Narrated by At Tabaraanee.

He advised Mu'aadh to say after every prayer: (O Allaah, assist me to remember and thank you and to worship you well).

The end of prayer could be before or after greeting. Our teacher believed that it was before greeting.

The Sutra

When the messenger of Allaah (may Allaah send salutations upon him) would pray facing a wall, he would place a sutra in front of him as high as a sheep, and he would stand close to it. He would use a spear, his camel, and his saddle.

He obliged one performing prayer to use even a rod or an arrow, or to draw a line on the ground if necessary. Aboo Daawud has said: I have heard Ahmad say: the line should be horizontal. 'Abdullaah has said: the line should be vertical. As for the rod, it should be placed upright.

Prayer is interrupted by the passing of a woman, a donkey, and a black dog, and conflicting narrations are either authentic but inexplicit, or explicit but unauthentic.

His Guidance Concerning Regular Voluntary Prayer

He would always perform ten bowings of voluntary prayer as a resident. Ibn 'Umar has said: I have memorized that the prophet (may Allaah send salutations upon him) would perform ten bowings, two before and after the afternoon prayer, two after the sunset and evening prayers at home, and two before the dawn prayer.

If he did not pray after the afternoon prayer, he would do so after the late afternoon prayer. This nation may perform missed voluntary prayers when prayer is prohibited, though only he was allowed to pray regularly after the late afternoon prayer.

He would occasionally perform four bowings before the afternoon prayer. However, it is said that this was a separate prayer which he performed during the afternoon, and As Saa'ib has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (it is an hour when the gates of heaven are opened, and I would love for a good deed of mine to ascend at that time). Narrated by Ahmad.

'Abdullaah Bin Mas'ood would perform eight bowings during the afternoon, and he has said: they are indeed the equivalent of eight bowings at night. The secret of this is that midday is the opposite of midnight, and the gates of heaven are opened during midday while divine descent occurs after midnight. Consequently, these are times of mercy.

Umm Habeeba has said: I have heard the messenger of Allaah (may Allaah send salutations upon him) say: (if one performs twelve bowings a day, a home will be built for him in paradise). Narrated by Muslim.

An Nasaa'ee and At Tirmidhee have added: (four before the afternoon prayer, two afterward, two after the sunset prayer, two after the night prayer, and two before the dawn prayer).

An Nasaa'ee has said: (two before the late afternoon prayer) instead of: (two after the night prayer).

As for four bowings before the late afternoon prayer, only the tradition of 'Alee is authentic in this regard. However, I have heard Shaykhul Islaam Ibn Taymiyya vehemently reject this tradition saying that it is fabricated.

Ibn 'Umar has narrated that the prophet (may Allaah send salutations upon him) has said: (may Allaah have mercy upon he who performs four

bowings before the late afternoon prayer). Narrated by Ahmad.

Ibn Hibbaan has declared this tradition authentic while others have declared it unauthentic.

As for two bowings before the sunset prayer, it has not been narrated that this was his practice. However, he allowed his companions to perform this prayer, and 'Abdullaah Al Muzanee has narrated that the prophet (may Allaah send salutations upon him) has said: (pray before sunset, pray before sunset). He then said: (if you please) fearing that this would become a prophetic tradition.

He would generally perform voluntary prayers at home, especially the voluntary sunset prayer.

It has been narrated that Ahmad has said: it is a prophetic tradition to perform two bowings of prayer after the sunset prayer at home, though he held that it was permissible to perform voluntary prayer at home or in the masjid.

It is desirable not to speak between the sunset prayer and the voluntary sunset prayer, and Makhool has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (if one performs two bowings after the sunset prayer and does not speak, his prayer will be raised to the heavens).

He maintained the voluntary dawn prayer more than any other voluntary prayer, thus he would not neglect this prayer nor the witr prayer while at home or abroad.

Jurists differ concerning the voluntary dawn prayer and the witr prayer in terms of emphasis, and a ruling cannot be favored since jurists do not agree that either prayers are obligatory.

I have heard Shaykhul Islaam Ibn Taymiyya say: actions begin with the voluntary dawn prayer and cease with the witr prayer. For this reason, the prophet (may Allaah send salutations upon him) would recite Al Ikhlâas and Al Kaafiroon during both prayers, because they comprise the monotheism of knowledge, creed, action, and intention.

Al Ikhlâas comprises the monotheism of knowledge and creed as well as the characteristics of solitude and perfection. The former negates similarity and partnership while the latter negates the existence of a father and son. For this reason, Al Ikhlâas equals 1/3 of the Qur'aan.

Al Ikhlâas saves a believer from polytheistic knowledge where Al Kaafiroon saves him from polytheistic actions and intentions, and Al Kaafiroon equals 1/4 of the Qur'aan as Ibn 'Abbaas has narrated. Similarly, Az Zalzala equals 1/2 of it.

Polytheistic actions and intentions are more common to the soul since it is allured by desire, and this form of polytheism is more difficult to remove than polytheistic knowledge. Reason being, the latter is removable with evidence. Whereas, the former incites one to do what he knows is detrimental, because desire has reigned supreme. For this reason, Al

Kaafiroon is emphatic and repetitive unlike Al Ikhlāas.

The Qur'aan has been divided into two halves, one half is dedicated to this life while the other half is dedicated to the afterlife. As for Az Zalzalā, it has been dedicated entirely to the afterlife, thus it equals ½ of the Qur'aan.

He would recite Al Ikhlāas and Al Kaafiroon during the two bowings of the tawaaf, because they comprise sincerity and monotheism. He would also begin and end his daily activity with these two chapters and would recite them during pilgrimage which is a symbol of monotheism.

His Reclining After The Voluntary Dawn Prayer

He would lie upon his right side after the voluntary dawn prayer, and Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (once you have performed two bowings before the dawn prayer, lie upon your right side). At Tirmidhee has said: an authentic (hasan saheeh ghareeb) prophetic tradition. I have heard Ibn Taymiyya say: this is unauthentic. Rather, it is his practice and not his command which is authentic.

Two groups have went to extremes in this regard while one has remained moderate. Ibn Hazm has invalidated the prayer of one who does not recline. Whereas, some jurists consider this act an innovation. However, Maalik has remained moderate and has held that one may recline in order to rest, and some have held that one may do so regardless of his intention.

Some say that he actually reclined between the witr and voluntary dawn prayer as is clearly stated in the tradition of Ibn 'Abbaas.

As for lying upon the left side, this is where the heart is located, thus one may experience deep sleep in this position. For this reason, doctors have preferred that one sleep upon his left side. However, the messenger of Allaah (may Allaah send salutations upon him) preferred to sleep upon his right side in order to rise for the night prayer.

His Guidance Concerning The Night Prayer

Muslims past and present have disagreed whether or not he was obliged to perform the night prayer. Both sides have relied upon the following verse: **{rise for a portion of the night as an additional prayer}** [Al Israa/79].

﴿وَمِنَ اللَّيْلِ فَتَهَجَّدْ بِهِ نَافِلَةً لَّكَ﴾ [الإسراء: 79]

The fact that this prayer was additional does not indicate that it was voluntary.

Allaah forgave the past and future sins of the prophet (may Allaah send salutations upon him), thus the night prayer increased his reward. As for others, it expiates sins.

The additional prayer which has been mentioned in the verse is not a voluntary prayer. Rather, it is an increased reward.

He would not neglect the night prayer while at home or abroad, and if he

was overcome by pain or sleep, he would perform twelve bowings the next day. I have heard Shaykhul Islaam Ibn Taymiyya say: this proves that the witr prayer is not performed if missed during the night. Consequently, it is similar to the prayer of the solar eclipse etc. Reason being, it is intended that the night prayer conclude with an odd number of bowings.

Aboo Sa'eed Al Khudree has narrated that the prophet (may Allaah send salutations upon him) has said: (if one sleeps past the witr prayer or forgets it, he should perform it once he awakes or remembers it). Narrated by Ibn Maaja.

However, this is the narration of 'Abdur Rahmaan Bin Zayd Bin Aslam who is unreliable. Furthermore, Muhammad Bin Yahya has narrated that the prophet (may Allaah send salutations upon him) has said: (perform the witr prayer before you go to sleep). Narrated by Ibn Maaja.

'Aa'isha has said: the messenger of Allaah (may Allaah send salutations upon him) would not exceed eleven bowings. Narrated by Al Bukhaaree and Muslim.

She has also said: the messenger of Allaah (may Allaah send salutations upon him) would perform thirteen bowings including two bowings of the voluntary dawn prayer. Narrated by Muslim.

Al Qaasim Bin Muhammad has said: I have heard 'Aa'isha say: the night prayer of the messenger of Allaah (may Allaah send salutations upon him) was ten bowings and one prostration. He would also perform two bowings of voluntary dawn prayer having performed thirteen bowings. Narrated by Al Bukhaaree and Muslim.

There is disagreement concerning whether or not the final two bowings formed the voluntary dawn prayer. If they were added to the bowings which he performed during the obligatory prayers and voluntary prayers which he maintained, the total would be forty bowings. Otherwise, his prayers were irregular such as the morning prayer which he would perform when returning from abroad etc. Consequently, a servant should maintain this routine for the rest of his life, because one who knocks on a door forty times a day is assured a response, and it is Allaah whose aid is sought.

His Night Prayer

He would use siwaak once he had risen, and then he would remember Allaah the most high. Afterward, he would purify himself and perform a brief two bowing prayer, and 'Aa'isha has said: the messenger of Allaah (may Allaah send salutations upon him) would begin by performing a brief two bowing prayer. Narrated by Muslim.

He has commanded that this prayer be performed, and Aboo Hurayra has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (when you rise during the night, begin with a brief two

bowing prayer). Narrated by Muslim.

He would rise at midnight and also when hearing the rooster.

He would pause at times, and Ibn 'Abbaas has narrated that he recited the last ten verses of Aalu 'Imraan and then performed a two bowing prayer while standing, bowing, and prostrating at length before going to bed. He repeated this three times while using siwaak and performing ablution. He then performed a prayer of three bowings. Afterward, he proceeded to the masjid saying: (O Allaah, enlighten my heart and tongue and hearing and vision. Place light behind me and in front of me. Place light above and below me. O Allaah, grant me light). Narrated by Muslim.

He would perform the night prayer in other fashions as well.

He would perform eight bowings while greeting upon every second bowing. He would then perform five bowings and would not sit until the final bowing.

He would perform nine bowings and would not sit until the eighth bowing where he would remember Allaah and supplicate. He would conclude prayer upon the ninth bowing and would then perform two additional bowings.

He would perform seven bowings in the same fashion and would then perform two bowings while sitting.

He would conclude prayer upon every second bowing and would perform an additional three bowings which he would not separate.

This description is questionable, because Aboo Hurayra has narrated that the prophet (may Allaah send salutations upon him) has said: (do not perform three bowings of witr prayer, but perform five or seven and do not emulate the sunset prayer). Narrated by Ibn Hibbaan.

Ad Daaraqutnee has said: all of the narrators are reliable.

Harb has said: Ahmad was questioned about the witr prayer, and he replied: one should greet upon the second bowing, though I would hope that it would not be harmful if he does not. However, the practice of greeting is more reliable.

His night prayer was of three types:

He would usually stand.

He would sit.

He would recite while sitting and would rise shortly before ending, and then he would bow. As for his manner of sitting, 'Aa'isha has said: I have seen the messenger of Allaah (may Allaah send salutations upon him) pray cross legged. Narrated by An Nasaa'ee who has said: Aboo Daawud is the only person I know of who has narrated this tradition, and he is reliable. However, I believe it is incorrect, and Allaah knows best.

Aboo Salama has said: I asked 'Aa'isha about the prayer of the

messenger of Allaah (may Allaah send salutations upon him) and she replied: he would perform thirteen bowings and would perform the witr prayer after the eighth bowing. He would then perform two bowings while sitting. Afterward, he would stand and perform two bowings between the adhaan and iqaama of the dawn prayer. Narrated by Muslim.

Aboo Umaama has narrated that the messenger of Allaah (may Allaah send salutations upon him) would perform two bowings after the witr prayer while sitting where he would recite Az Zalzala and Al Kaafiroon. Narrated by Ad Daaraqutnee.

Many believe that this opposes the following statement of his: (may your final prayer of the night be odd). Maalik has rejected these two bowings while Ahmad has said: I do not perform this prayer nor do I prohibit it. Others have held that the statement of the prophet (may Allaah send salutations upon him) indicates desirability and that the two bowings which precede the witr prayer are permissible.

The truth of the matter is that these two bowings are desirable and make the witr prayer complete. In fact, they are similar to the voluntary sunset prayer, because the sunset prayer is the witr of the day, and Allaah knows best.

His Supplication During The Witr Prayer

Only one tradition states that he would recite al qunoot during the witr prayer: Ubayy Bin Ka'b has narrated that the messenger of Allaah (may Allaah send salutations upon him) would recite al qunoot before bowing during the witr prayer. Narrated by Ibn Maaja.

It has been narrated that Ahmad has said: I prefer that al qunoot be recited after bowing. All prophetic traditions in this regard apply to the dawn prayer. As for the witr prayer, it has not been established if one should recite al qunoot before or after bowing.

Al Hasan Bin 'Alee has said: the messenger of Allaah (may Allaah send salutations upon him) taught me words which I say during the witr prayer: (O Allaah, guide me amongst those whom you have guided. Make me well amongst those whom you have made well. Grant me authority amongst those whom you have granted authority. Bless what you have granted me. Protect me from the evil which you have predestined, and your decree cannot be overturned, and he whom you have aided cannot be disgraced. Our lord you are blessed and exalted). Narrated by At Tirmidhee.

Ubayy Bin Ka'b has said: the messenger of Allaah (may Allaah send salutations upon him) would recite Al A'la, Al Kaafiroon, and Al Ikhlâas during the witr prayer, and then he would say three times after greeting while raising his voice the second time: (glory be to the sanctified king). Narrated by An Nasaa'ee.

He would pause after every verse and would extend a chapter with slow recitation. In fact, he repeated a verse until dawn.

People have differed whether it is better to recite slowly while reciting less, or to recite rapidly while reciting more. Ibn ‘Abbaas, Ibn Mas’ood, and others have held that slow recitation is better than rapid recitation. They have asserted that the objective of recitation is understanding and reflection, and some of the early believers have said: the Qur’aan was revealed for implementation, so recite. They have said: faith is the greatest action, and it is attained when one understands the Qur’aan and reflects upon it, but mere recitation is an act which is performed by the believer and even the hypocrite.

They have said: one who has been granted faith but not the Qur’aan is better than one who has been granted the Qur’aan but not faith. Consequently, one who has been granted understanding and reflection is better than one who has been granted recitation but not reflection.

The companions of Ash Shaafi’ee have held that rapid recitation is better, they assert that Ibn Mas’ood has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (it is a good deed to recite one letter of the book of Allaah, and one good deed equals ten which are similar. I do not say that **{alif laam meem}** [al Baqara:1]

[البقرة:1] ﴿الٓرٓ﴾

Is one letter. Rather, alif is a letter, laam is a letter, and meem is a letter). Narrated by At Tirmidhee.

They also assert that ‘Uthmaan Bin ‘Affaan recited the entire Qur’aan in one standing.

Rather, it should be said that the reward of slow recitation and reflection is greater in value while the reward of rapid recitation is greater in quantity. The former is similar to the emancipation of a slave whose value is high and the latter is similar to the emancipation of a group of slaves whose value is low.

The messenger of Allaah (may Allaah send salutations upon him) would recite silently and audibly during the night prayer. He would stand briefly and at length and would perform the witr prayer during the beginning and middle of the night, though he would usually perform it at the end of the night.

He would perform voluntary prayer upon his camel facing whatever direction it proceeded in, and would bow and prostrate with his head which he would lower even moreso when prostrating.

His Guidance Concerning The Morning Prayer

It has been mentioned that Ibn Abee Layla has said: not one person has informed us that he has seen the prophet (may Allaah send salutations upon

him) perform the morning prayer except for Umm Haanee who has said: the prophet (may Allaah send salutations upon him) came to my house on the day of the conquest. He bathed and performed eight bowings, and I have never seen such brevity, though his bowing and prostration were complete.

'Aa'isha has said: the messenger of Allaah (may Allaah send salutations upon him) would perform four bowings of the morning prayer and would increase as Allaah has willed. Narrated by Muslim.

Al Haakim has said in the book *The Virtue Of The Morning Prayer*: 'Aa'isha has said: the messenger of Allaah (may Allaah send salutations upon him) performed the morning prayer and then he said 100 times: (O Allaah, have mercy upon me and accept my repentance. You are indeed the merciful acceptor of repentance).

Mujaahid has narrated that the messenger of Allaah (may Allaah send salutations upon him) performed two, four, six, and eight bowings of the morning prayer.

Aboo Hurayra has said: my intimate friend Muhammad (may Allaah send salutations upon him) has advised me to fast three days per month, to perform two bowings of morning prayer, and to perform the witr prayer before going to sleep. Narrated by Al Bukhaaree and Muslim.

Aboo Dharr (may Allaah be pleased with him) has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (every joint of yours is obliged with a daily charity. To say glory be to Allaah, praise be to Allaah, there is no deity worthy of worship except Allaah, and Allaah is the greatest is a charity. To enjoin good and forbid evil is a charity, and two bowings in the morning are sufficient). Narrated by Muslim.

Anas has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (if one performs twelve bowings of morning prayer, Allaah will construct a gold castle for him in paradise). Narrated by At Tirmidhee and Ibn Maaja.

Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (paradise has a gate called the morning gate, and on the day of resurrection someone will say: where are those who maintained the morning prayer? This is your gate, so enter it by the mercy of Allaah). Narrated by Al Haakim.

Aboo Umaama has narrated that the prophet (may Allaah send salutations upon him) has said: (one who walks to the obligatory prayer while pure receives the reward of hajj, and one who walks to the morning prayer receives the reward of 'umra...). Narrated by Ahmad.

Aboo Umaama has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (if one performs the dawn prayer in the masjid and remains seated until performing the morning prayer, he will

receive the reward of hajj and 'umra). Narrated by Al Haakim.

Al Haakim has said: I have accompanied a group of scholars and narrators of prophetic tradition who have chosen to perform four bowings of dawn prayer due to narrations which are widespread and authentic in this regard.

Mujaahid has said: one day the messenger of Allaah (may Allaah send salutations upon him) performed two bowings of morning prayer, and the next day he performed four bowings, and the next day he performed six bowings, and the next day he performed eight bowings.

This illustrates that each narrator could have reported what he was able to witness regarding the morning prayer. If this is the case, one should perform this prayer as he pleases.

A second group has preferred traditions which state that the prophet (may Allaah send salutations upon him) did not perform the morning prayer, and they have done so due to their authenticity and practice of the companions. Aboo Hurayra has said: I have only seen the messenger of Allaah (may Allaah send salutations upon him) perform the morning prayer once.

Anas Bin Maalik was questioned about the morning prayer and he replied: there are five prayers.

A third group has held that the morning prayer is performed irregularly, and 'Abdullaah Bin Shaqeeq has said: I asked 'Aa'isha: did the messenger of Allaah perform the morning prayer? She replied: only upon his return.

A fourth group has held that the morning prayer is performed for a reason. They have said: he performed eight bowings on the day of conquest during the morning, and this was referred to as the prayer of conquest.

As for the statement of 'Aa'isha that he would only perform the morning prayer upon his return, this clearly illustrates that he did so for a reason. Furthermore, he would offer the night prayer in place of the morning prayer, and the most high has said: **{he is the one who has made night and day a replacement for he who wishes to reflect and be grateful}** [Al Furqaan/62].

﴿وَهُوَ الَّذِي جَعَلَ اللَّيْلَ وَالنَّهَارَ خِلْفَةً لِّمَنۡ أَرَادَ أَنۡ يَذَّكَّرَ أَوْ أَرَادَ شُكُورًا﴾ [الفرقان: 62]

Shaqeeq has said: a man came to 'Umar Bin Al Khattaab and said: I missed the night prayer, so he said: perform during the day what you have missed during the night, because Allaah has made night and day a replacement for he who wishes to reflect and be grateful.

As for prophetic traditions such as those of Aboo Hurayra and Aboo Dharr, they do not indicate that the morning prayer is a regular voluntary prayer. Rather, the prophet (may Allaah send salutations upon him) advised Aboo Hurayra to perform the morning prayer since he studied the prophetic tradition by night. For this reason, he commanded him to perform the witr

prayer before going to sleep, but he did not command other companions to act as such.

Most traditions which encourage the morning prayer are unreliable such as the following: (if one maintains the morning prayer except when ill, he and I will be in a boat of light upon an ocean of light). This has been fabricated by Zakariyya Al Kindee.

His Guidance Concerning The Prostration Of Gratitude

Aboo Bakra has narrated that the prophet (may Allaah send salutations upon him) would rejoice and prostrate to Allaah the most high.

Al Bayhaqee has mentioned that when 'Alee wrote to the prophet (may Allaah send salutations upon him) informing him that Hamdaan had accepted Islaam, he prostrated and said: (peace be upon Hamdaan, peace be upon Hamdaan). This prophetic tradition appears in Al Bukhaaree and this is the ending.

'Abdur Rahmaan Bin 'Awf has narrated that the messenger of Allaah (may Allaah send salutations upon him) performed the prostration of gratitude when he received glad tidings from his lord that he would send salutations upon those who sent salutations upon him. Narrated by Ahmad.

Sa'd Bin Abee Waqqaas has narrated that the messenger of Allaah (may Allaah send salutations upon him) prostrated three times and said: (I asked my lord on behalf of my nation and he gave to 1/3 of it, so I prostrated out of gratitude. I asked my lord on behalf of my nation and he gave to 2/3 of it, so I prostrated out of gratitude. I asked my lord on behalf of my nation and he gave to the final third of it, so I prostrated out of gratitude). Narrated by Aboo Daawud.

Ka'b Bin Maalik prostrated when he was informed that Allaah had accepted his repentance. Narrated by Al Bukhaaree.

Sa'eed Bin Mansoor has mentioned that Aboo Bakr As Siddeeq prostrated when he was informed of the death of Musaylima.

His Guidance Concerning The Prostration Of Recitation

He would perform the takbeer and prostrate when reciting, though it has not been mentioned that he would perform the takbeer when rising or that he would supplicate and greet. However, it has been established that he would prostrate while reciting As Sajda, Saad, An Najm, Al Inshiqaaq, and Al 'Alaq.

His Guidance Concerning Jumu'a And The Uniqueness Of This Day

Aboo Hurayra and Hudhayfa have said: the messenger of Allaah (may Allaah send salutations upon him) has said: (Allaah diverted those before us from Jumu'a, thus Saturday was for the Jews and Sunday was for the Christians. Consequently, Allaah brought us forth and guided us to Jumu'a.

Although we have followed in this world, we will lead in the next). Narrated by Muslim.

Aws Bin Aws has narrated that the prophet (may Allaah send salutations upon him) has said: (one of your greatest days is Jumu'a. Allaah created Aadam and took his life on this day, and the horn will be blown and all will collapse on this day, so send many salutations upon me, because they are presented to me). Others asked: O messenger of Allaah, how can our salutations be presented to you once you have decayed? He replied: (Allaah has prohibited that the earth consume the bodies of prophets). Narrated by Al Haakim and Ibn Hibbaan.

Aboo Hurayra has narrated that the prophet (may Allaah send salutations upon him) has said: (the best day which the sun has risen upon is Jumu'a. Allaah created Aadam and placed him in paradise on this day, and he was removed from it on this day, and the final hour will be on this day). Narrated by At Tirmidhee.

The Origin Of Jumu'a

Ibn Ishaq has said: 'Abdur Rahmaan Bin Ka'b Bin Maalik has said: when my father lost his vision, I became his guide. As we went to Jumu'a, he heard the adhaan and sought forgiveness for Aboo Umaama As'ad Bin Zaraara. I said: I must ask him about this, so we went to Jumu'a as usual and he heard the adhaan and sought forgiveness for him. I asked him: O my father, do you feel that you should seek forgiveness for As'ad Bin Zaraara whenever you hear the adhaan? He replied: O my son, As'ad was the first to unite us in Al Madeena before the arrival of the messenger of Allaah (may Allaah send salutations upon him). I asked: how many of you were there? He replied: forty men. Declared authentic by Al Bayhaquee.

When the messenger of Allaah (may Allaah send salutations upon him) reached Al Madeena, he stayed in Qubaa amongst Banoo 'Amr Bin 'Awf and established their masjid. He then departed on Jumu'a and reached Banoo Saalim Bin 'Awf at prayer time, so he prayed at the masjid in the depth of the valley. This was before the establishment of his masjid and was the first Jumu'a.

Ibn Ishaq has said: I have been told that the messenger of Allaah (may Allaah send salutations upon him) praised Allaah before his first sermon and said, and we seek the protection of Allaah lest we say what he did not say: (O people, make preparation. By Allaah, you may surely die leaving your livestock unattended, and your lord shall ask you directly: has not my messenger come to you? Have not I not granted you wealth? What preparation have you made? He shall look right and left and will not find anything, he shall then look forward and will see hell. Consequently, if you are able to protect your face from the fire with a date, then do so. Otherwise,

you should so do with good speech, because one good deed equals ten to 700 which are similar. May peace and the mercy and blessings of Allaah be upon you).

His Guidance Concerning Jumu'a

It was his practice to honor Jumu'a and to perform specific acts of worship, though scholars have not agreed that Jumu'a is greater than the day of 'Arafa.

He would recite As Sajda and Al Insaan during the dawn prayer, and I have heard Shaykhul Islaam Ibn Taymiyya say: rather, the prophet (may Allaah send salutations upon him) would recite these two chapters during the dawn prayer since they comprise what has transpired and will transpire during this day.

The first unique characteristic of Jumu'a: It is desirable to send abundant salutations upon the prophet (may Allaah send salutations upon him) on Jumu'a and the preceding evening, and he has said: (send abundant salutations upon me on Jumu'a and the preceding evening).

The messenger of Allaah (may Allaah send salutations upon him) is the master of all humanity and Jumu'a is the master of all days. Consequently, to send salutations upon him on Jumu'a is unlike doing so during another day. Furthermore, his nation achieves the best of this world and the next because of him. Consequently, we should send salutations upon him on Jumu'a and the preceding evening as an act of gratitude.

The Jumu'a prayer is one of the greatest obligations and gatherings known to Islaam. In fact, the only gathering greater than it is 'Arafa. If one neglects Jumu'a, Allaah will stamp his heart.

One is obliged to bathe on Jumu'a, and this obligation is greater than many other obligations such as performing ablution upon touching a woman or vomiting etc.

One should apply fragrance, use siwaak, and arrive early. Once he has arrived, he should engage in worship until the imaam emerges. He must then listen attentively to the sermon, and the following has been narrated in the Musnad: (there is no Jumu'a for one who tells his companion to be quiet).

One should recite Al Kahf, and it has been narrated that the prophet (may Allaah send salutations upon him) has said: (if one recites Al Kahf on Jumu'a, light will rise from his feet to the clouds, and it will illuminate him on the day of resurrection. He will also be forgiven for one Jumu'a to the next).

It is not disliked to pray at noon on Jumu'a according to Ash Shaafi'ee and those who agree with him, and this is this view of our teacher Aboo 'Abbaas Bin Taymiyya, he has relied upon the following prophetic tradition: (if a man bathes, applies oil or fragrance, does not separate two people, prays, and listens to the imaam, he will be forgiven until the next Jumu'a).

Narrated by Al Bukhaaree.

More than one of the early Muslims have said that the appearance of the imaam prohibits prayer and his sermon prohibits speech. As a result, they have held that it is not the arrival of noon which prohibits prayer. Furthermore, people in the masjid are unaware of the arrival of noon and cannot traverse rows in order to go outside and look at the sun.

Three views exist in this regard. Maalik has held that it is not disliked to pray at noon, Aboo Haneefa has held that it is disliked to pray at noon, and this is the well known view of Ahmad, and Ash Shaafi'ee has held that it is disliked to pray at noon except on Jumu'a.

The messenger of Allaah (may Allaah send salutations upon him) would recite Al Jumu'a, Al Munaafiqoon, Al A'la, and Al Ghaashiya during the Jumu'a prayer as Muslim has mentioned in his authentic collection. However, it is undesirable to recite a portion of a chapter or an entire chapter throughout the prayer, because this contradicts prophetic tradition and is a practice of the ignorant.

Jumu'a is a weekly 'eed, and Aboo Lubaaba Bin 'Abdil Mundhir has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (Jumu'a is the greatest day to Allaah, and it is greater than the days of Adha and Fitr. On this day Allaah created Aadam and lowered him to earth, and on this day he took his life.

There is an hour during this day when a Muslim receives whatever he asks for as long as it is not unlawful. This is the day of the final hour, and the angels, the heavens, the earth, the wind, the mountains, and the trees are heedful of it). Narrated by Ibn Maaja.

It is desirable to dress as well as possible on this day, and Aboo Ayyoob has said: I have heard the messenger of Allaah (may Allaah send salutations upon him) say: (if one bathes on Jumu'a, applies fragrance if it is available, wears his finest clothes, proceeds with poise, prays without disturbing another, and listens to the imaam until prayer time, he will be forgiven until the next Jumu'a). Narrated by Ahmad.

It is desirable to burn incense in the masjid.

One who is obliged to attend Jumu'a may not travel once prayer time arrives. However, three views exist regarding prayer before that time. As for Ash Shaafi'ee, he has held that it is impermissible for one to travel once noon has arrived, though Ar Raafi'ee has held that a journey of obedience is permissible.

As for morning travel, Ash Shaafi'ee has held two views. He once held that it was permissible, but then he held that it was not.

As for Maalik, he has held that one may travel before noon.

Aboo Haneefa has held that one may travel at any time.

One step toward the masjid is equal to praying and fasting for an entire

year, and Aws Bin Aws has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (if one bathes on Jumu'a, departs early, approaches the imaam and listens, his every step will equal an entire year of prayer and fasting, and this is easy for Allaah). Narrated by Ahmad.

Jumu'a is a day which expiates sins, and Salmaan has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (if a man bathes, applies oil or fragrance, does not separate two people, prays, and listens to the imaam, he will be forgiven until the next Jumu'a). Narrated by Al Bukhaaree.

The hellfire is kindled every day except Jumu'a. The secret of this is that Jumu'a is a day of obedience, and on this day the sinful desist, and Allaah knows best.

There is an hour of response during this day, and Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (there is an hour on Jumu'a where a Muslim is given whatever he asks for). Narrated by Al Bukhaaree and Muslim.

People have differed whether this hour remains, and those who have held that it does remain have differed whether it is specified. Those who have held that it is unspecified have differed whether it occurs throughout the day, and those who have held that it is specified have taken eleven positions.

Ibn Al Mundhir has said: we have narrated that Aboo Hurayra has said: the hour extends from dawn until sunrise and from the late afternoon until sunset.

Some have said that the hour is at noon.

Some have said that the hour begins with the adhaan.

Some have said that the hour begins once the imaam is seated and ends with the sermon.

Some have said that the hour is the time which Allaah has chosen for prayer.

Some have said that the hour begins at noon and ends at prayer time.

Some have said that the hour is at the beginning of sunrise.

Some have said that the hour begins in the late afternoon and ends at sunset.

Some have said that the hour is before sunset.

Some have said that the hour begins with the emergence of the imaam and ends with the prayer.

Some have said that the hour begins upon the third hour of noon.

It is probable that the hour begins once the imaam is seated and concludes with prayer, and 'Abdullaah Bin 'Umar asked Aboo Burda Bin Abee Moosa: have you heard your father narrate a prophetic tradition concerning the hour of Jumu'a? He replied: yes, I have heard him say: I have heard the messenger of Allaah (may Allaah send salutations upon him)

say: (it begins once the imaam is seated and concludes with prayer). Narrated by Muslim.

It is more probable that the hour begins in the late afternoon, and Aboo Hurayra has narrated that the prophet (may Allaah send salutations upon him) has said: (there is an hour on Jumu'a when a Muslim is given whatever good he asks Allaah for, and it follows the late afternoon prayer). Narrated by Ahmad.

As for those who say that the hour begins with the sermon and ends with the prayer, they rely upon the following: 'Abdullaah Bin 'Umar asked Aboo Burda Bin Abee Moosa: have you heard your father narrate a prophetic tradition concerning the hour of Jumu'a? He replied: yes, I have heard him say: I have heard the messenger of Allaah (may Allaah send salutations upon him) say: (it begins once the imaam is seated and concludes with prayer). Narrated by Muslim.

As for those who say that the hour is the time which Allaah has chosen for prayer, they rely upon the following: 'Amr Bin 'Awf Al Muzanee has said: I have heard the messenger of Allaah (may Allaah send salutations upon him) say: (there is an hour on Jumu'a where Allaah gives a servant anything he asks for). Others asked: O messenger of Allaah, which hour is it? He replied: (it is the duration of prayer). Narrated by At Tirmidhee.

However, this tradition is unauthentic.

I hold that a response is anticipated during the hour of prayer, although the specific hour is before sunset. Reason being, congregational prayer causes a response. Consequently, all prophetic traditions agree in this regard.

Jumu'a is distinguished by the Jumu'a prayer which is unique in terms of conditions, and only the late afternoon prayer is equal in terms of emphasis. In addition, it is agreed upon that the Jumu'a prayer is obligatory upon all who are legally responsible.

A sermon is delivered on Jumu'a with the objective of praising Allaah, declaring that he is alone, and affirming the message. Servants should also be reminded, admonished, and advised.

It is desirable that Jumu'a be reserved for worship. As a result, Jumu'a is distinguished like Ramadaan.

Since Jumu'a is a day of prayer which resembles a weekly 'eed, Allaah has replaced sacrifice with early departure to the masjid.

Charity given on Jumu'a is unlike charity given on another day. Consequently, Jumu'a is distinguished like Ramadaan, and I have seen Shaykhul Islaam Ibn Taymiyya give charity while going to Jumu'a.

Allaah the magnificent will appear before his beloved on Jumu'a, and the nearest to him will be those who were nearest to the imaam, and his first guests will be those who reached Jumu'a the earliest.

Yahyaa Bin Yamaan has narrated that Anas Bin Maalik has said concerning the statement of Allaah the magnificent: **{and we have something else}** : he will appear before them every Jumu'a.

Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (the promised day is the day of resurrection, the observed day is the day of 'Arafa, and the witness is Jumu'a. The sun has not risen or set upon a greater day, and there is an hour where a righteous supplication is answered and protection is granted). Narrated by At Tirmidhee.

Jumu'a is feared by all except man and jinn, and Aboo Hurayra has narrated that the prophet (may Allaah send salutations upon him) has said: (the sun has not risen or set upon a day greater than Jumu'a, and it is feared by all except man and jinn). Reason being, the final hour will be on this day where the earth will converge and man will sent to heaven or hell.

Allaah has reserved Jumu'a for this nation and has diverted the people of the book from it, and Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (the sun has not risen or set upon a day greater than Jumu'a, Allaah has guided us to it while diverting others from it, thus we precede them. Jumu'a is for us while Saturday is for the Jews and Sunday is for the Christians). Narrated by Muslim.

'Aa'isha has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (the Jews are most jealous of us due to Jumu'a, the qibla, and our practice of saying aameen behind the imaam). Narrated by Ahmad.

Ka'b Al Ahbaar has said: when Allaah the magnificent chose a month, it was Ramadaan. When he chose a day, it was Jumu'a. When he chose a night, it was the night of power, and when he chose an hour, it was the hour of prayer. Narrated by Al Bukhaaree.

Ibn Abee Ad Duniyaa has mentioned that Muhammad Bin Waasi' would go to the graveyard every Saturday morning to greet the deceased and supplicate for them, and he has said: I have been informed that the deceased are aware of those who visit them on Jumu'a and the day which precedes it and the day which follows it.

It is disliked to reserve Jumu'a for fasting, though Maalik and Aboo Haneefa have held that Jumu'a is like any other day in this regard. Ibn 'Abdil Barr has said: traditions vary concerning fasting on Jumu'a.

Ibn Mas'ood has narrated that the prophet (may Allaah send salutations upon him) would fast three days per month, and he has said: rarely would he neglect to fast on Jumu'a.

It has been narrated that Ibn 'Umar has said: I have never seen the messenger of Allaah (may Allaah send salutations upon him) neglect to fast on Jumu'a.

Ibn 'Abbaas has narrated that he fasted on Jumu'a regularly.

However, Muhammad Bin 'Abbaad has said: I asked Jaabir if the messenger of Allaah (may Allaah send salutations upon him) prohibited fasting on Jumu'a, and he replied: yes. Narrated by Al Bukhaaree and Muslim.

Abou Hurayra has said: I have heard the messenger of Allaah (may Allaah send salutations upon him) say: (you must not fast on Jumu'a unless you have done so the day before or will do so the day after). Narrated by Al Bukhaaree.

Juwayriyya Bin Al Haarith has narrated that the prophet (may Allaah send salutations upon him) came to her on Jumu'a while she was fasting and asked her: (did you fast yesterday) ? She replied: no. He asked: do you wish to fast tomorrow? She replied: no. He said: (then break your fast). Narrated by Al Bukhaaree.

Jumu'a is a day of assembly where people are reminded of the beginning and the end, and Allaah has ordained a day of communal worship and admonition for all nations, one which reminds them of the ultimate gathering where they will stand before the lord.

The most appropriate day in this regard is Jumu'a when Allaah will gather creation. Consequently, Allaah has reserved it for this nation.

At times he would recite Al Jumu'a since it obliges one to proceed to the masjid for prayer and the remembrance of Allaah so that success may be attained in this life and the next. Whereas, if one neglects to remember Allaah, he will be destroyed in this life and the next.

He would then recite Al Munaafiqoon as a warning of hypocrisy and how wealth and offspring can divert one from the Jumu'a prayer. He would also recite Al Munaafiqoon as a warning of the sudden approach of death, and he would extend his recitation upon the arrival of a delegation.

His sermons were an affirmation of essential creed and the afterlife. As a result, they filled hearts with monotheism and faith, unlike the sermons of others which address common matters such as death.

If one reflects upon the sermons of the prophet (may Allaah send salutations upon him) and his companions, he will find that they were an illustration of monotheism, guidance, and invitation. His companions mentioned names and attributes of Allaah which made him dear to man, and they enjoined obedience, gratitude, and remembrance which made man dear to Allaah. However, the prophetic light became dim and objectives were not considered. Consequently, sermons no longer affected the heart.

He would often include Qaaf in his sermons, and Umm Hishaam Bint Al Haarith Bin An Nu'maan has said: I learned Qaaf from the mouth of the messenger of Allaah (may Allaah send salutations upon him) due to his sermons.

The following excerpt has been narrated by ‘Alee Bin Zayd Jad’aan with weakness: (O people, repent unto Allaah the magnificent before death. Do good while you are idle and strengthen ties with your lord by remembering him and being charitable, and you will be praised and rewarded.

Be advised that Allaah the magnificent has obliged you with Jumu’a until the day of resurrection, if you are able to attend. As a result, if one neglects Jumu’a, Allaah will not bless him, nor will there be any ablution, prayer, fasting, obligatory charity, or pilgrimage for him until he repents, and none will provide refuge without being subdued and intimidated by the ruler).

The following has also been narrated: (praise belongs to Allaah whose assistance and forgiveness we seek. We seek his protection from the evil of our souls, and whomever Allaah guides cannot be mislead, and whomever he misleads cannot be guided.

I declare that there is no deity worthy of worship except Allaah who is alone and without partner, and that Muhammad is his slave and messenger whom he has sent with truth as a warner and giver of glad tidings as the hour approaches.

Whoever obeys Allaah and his messenger is guided and whoever disobeys them harms none other than himself). Narrated by Aboo Daawud.

His Sermons

He would become angry while delivering a sermon. He would say: (the finest speech is the book of Allaah and the finest guidance is the guidance of Muhammad. The most evil of matters are those which are novel, and all innovation is misguidance). He would then say: (I take precedent over the soul of every believer, and if one leaves wealth, it belongs to his family, though if one leaves debt, I am responsible). Narrated by Muslim.

It has also been said: he would praise Allaah as he deserves to be praised and would say: (whomever Allaah guides cannot be mislead, and whomever he misleads cannot be guided, and the finest speech is the book of Allaah).

An Nasaa’ee has narrated the following: (all innovation is misguidance and all misguidance is in the fire).

He would say after praising Allaah: (as we proceed).

He would shorten the sermon and lengthen the prayer, and he has said: (a short sermon and long prayer reflect understanding).

He would teach his companions the fundamentals of Islaam when delivering a sermon and would give orders when necessary, thus he commanded a man to perform two bowings of prayer during the sermon. He also ordered a man to sit.

He would pause when necessary and would also descend like he did when Al Hasan and Al Husayn approached.

He would call a person.

He would give whatever orders were necessary, thus if he saw someone in need, he would demand that charity be given.

He would extend his pointer finger upon the mention of Allaah the most high.

He would seek rain.

He would delay Jumu'a until people had gathered, he would then emerge and greet them. Once he ascended the minbar, he would face them. Afterward, he would sit and Bilaal would call to prayer. Once he concluded, the prophet would immediately begin his sermon.

He would not grasp a sword. Rather, he would lean upon a rod or bow before he had a minbar. As for those who believe that he always grasped a sword and that the sword was used to establish the religion, they are ignorant.

His minbar had three steps, though he originally had a tree stump. Once he switched to the minbar, the tree stump began to moan and was heard by those in the masjid. As a result, he descended and embraced it, and Anas has said: it moaned because it no longer heard the revelation and was no longer touched by the prophet (may Allaah send salutations upon him).

The minbar was not placed in the middle of the masjid. Rather, it was placed on the west side near the wall.

He would stand facing the congregation, and then he would sit for a moment. Afterward, he would deliver the second sermon. Once he concluded, Bilaal would utter the iqama.

He would order the people to come closer to him and to listen. He would say: (one who speaks while the imaam delivers the sermon is like a donkey carrying books, and there is no Jumu'a for one who tells him to be quiet). Narrated by Ahmad.

Once the prophet (may Allaah send salutations upon him) began his sermon, no one would perform prayer, and there was only one adhaan. This indicates that Jumu'a is similar to the 'eed and is not preceded by voluntary prayer, and this was the view of Maalik, Ahmad, and Ash Shaafi'ee.

Those who hold that the Jumu'a prayer is preceded by voluntary prayer assert that it is the afternoon prayer reduced, thus their rulings do not differ. However, this is an extremely weak defense, because the Jumu'a prayer is separate and different in terms of rulings and requirements.

Some have attempted to prove that the Jumu'a prayer is preceded by voluntary prayer comparing it to the afternoon prayer. However, this is an erroneous analogy, because this has not been established by prophetic tradition nor the tradition of the rightly guided successors. Furthermore, since the prophet (may Allaah send salutations upon him) did not perform this prayer, it is his tradition to avoid it. Similarly, it is not a prophetic tradition to bathe before spending the night at Muzdalifa, because the

prophet (may Allaah send salutations upon him) and his companions did not do this, although they did spend the night there.

Some have relied upon the following which Al Bukhaaree has mentioned in his authentic collection: Prayer Before And After Jumu'a: Ibn 'Umar has narrated that the prophet (may Allaah send salutations upon him) would perform two bowings before and after the noon prayer, two bowings after the sunset prayer at home, two bowings before the evening prayer, and two bowings after the Jumu'a prayer once he had departed. However, this is not a defense, because Al Bukhaaree did not wish to prove that the Jumu'a prayer is preceded by voluntary prayer. Rather, he wished to ask if there was a narration concerning voluntary prayer before or after the Jumu'a prayer. He then mentioned the preceding prophetic tradition which states that the prophet (may Allaah send salutations upon him) only performed voluntary prayer after the Jumu'a prayer.

Similarly, he has said in the book of 'Eed: Prayer Before And After The 'Eed. Ibn 'Abbaas has narrated that the prophet (may Allaah send salutations upon him) performed two bowings on the day of Fitr without performing prayer before or after.

Since the Jumu'a prayer is a substitute for the afternoon prayer which is preceded and followed by voluntary prayer, some have thought that the former is similar. However, Ibn 'Umar has narrated that the prophet (may Allaah send salutations upon him) would perform two bowings before and after the noon prayer, two bowings after the sunset prayer at home, two bowings before the evening prayer, and two bowings after the Jumu'a prayer once he had departed.

This states that the companions considered the Jumu'a prayer separate from the afternoon prayer. Otherwise, there would be no need to mention it, because it would be included in the afternoon prayer. Furthermore, since voluntary prayer was only mentioned afterward, it could not have been performed beforehand.

Some have relied upon the following: Aboo Hurayra and Jaabir have said: Saleek Al Ghatfaanee arrived as the messenger of Allaah (may Allaah send salutations upon him) delivered the sermon, so he asked him: (did you perform two bowings before your arrival) ? He replied: no. He said: (then do so). Narrated by Ibn Maaja.

Aboo Al Barakaat Ibn Taymiyya has said: his statement: (before your arrival) indicates that this was the voluntary Jumu'a prayer and not the greeting of the masjid. However, his grandson and our teacher Aboo Al 'Abbaas has said: this is wrong. The well known narration of Jaabir in Al Bukhaaree and Muslim is as follows: (have you prayed) ? He replied: (no). He said: (then perform two bowings) ... (if you reach Jumu'a during the sermon, perform two bowings). This is the more reliable narration.

Our teacher Aboo Al Hajjaaj Al Haafidh Al Mizzee has said: rather, the correct wording is: have you prayed before sitting? Consequently, an error was made during transcription. He has also said: the book of Ibn Maaja was conveyed by people who were not as meticulous as those who conveyed Al Bukhaaree and Muslim.

This is supported by the fact that those who have researched voluntary prayer have not mentioned the tradition of Ibn Maaja to establish that voluntary prayer precedes the Jumu'a prayer. Rather, they have mentioned the tradition of Ibn Maaja to establish that it is desirable to greet the masjid during the sermon. In addition, the prophet (may Allaah send salutations upon him) would only order one who entered the masjid to perform a prayer of two bowings, because it was a greeting. Furthermore, if this was the voluntary Jumu'a prayer, he would have obliged those seated to perform it as well.

Some have relied upon the following: Naafi' has said: Ibn 'Umar would pray at length before Jumu'a. Afterward, he would perform two bowings at home, and he has said that the messenger of Allaah (may Allaah send salutations upon him) would do so as well.

This does not prove that the Jumu'a prayer is preceded by voluntary prayer. Rather, when he said: the messenger of Allaah (may Allaah send salutations upon him) would do so as well, he meant that he would so at home.

As for the long prayer of Ibn 'Umar, it was voluntary, though unrelated to the Jumu'a prayer, and it is better than one engage in prayer until the imaam emerges. Aboo Hurayra has narrated that the prophet (may Allaah send salutations upon him) has said: (if one bathes on Jumu'a, comes to the masjid, prays as much as Allaah has willed, listens to the imaam until he concludes, and prays with him, he will be forgiven until the next Jumua' and three days afterward).

Ibn Al Mundhir has said: we have narrated that Ibn 'Umar would perform twelve bowings of prayer before Jumu'a.

It has been narrated that Ibn 'Abbaas would perform eight bowings of prayer before Jumu'a, and this proves that their practice was voluntary, though unrelated to Jumu'a. For this reason, various amounts of bowings have been narrated. At Tirmidhee has said: it has been narrated that Ibn Mas'ood would perform four bowings of prayer before Jumu'a and four bowings afterward, and this has been preferred by Ibn Al Mubaarak and Ath Thawree.

Ishaaq Bin Ibraaheem Bin Haani An Naysabooree has said: I have seen 'Abdullaah pray until the approach of noon. He would then perform two or four bowings upon the call to prayer. Once he performed the obligatory prayer, he would depart and perform two bowings. He would also perform four bowings and would sit. Afterward, he would perform two additional

bowings. He would also perform six more bowings which he would increase and decrease at times. As a result, some of his companions have narrated that Jumu'a is preceded by two or four bowings. However, Ahmad would cease to pray during the time of prohibition, though would continue praying once it had passed. As a result, he may have been able to perform two or four bowings within that time.

Some have relied upon the following: Ibn 'Abbaas has said: the prophet (may Allaah send salutations upon him) would perform four undivided bowings before Jumu'a. Narrated by Ibn Maaja.

Some have said: it is likely that the unreliable narrators of this tradition said "before Jumu'a" instead of saying after Jumu'a due to their lack of precision.

Similarly, the narration of 'Aa'isha is as follows: (Bilaal calls to prayer during the night, so eat and drink until Ibn Umm Maktoom calls to prayer). Narrated by Al Bukhaaree and Muslim. However, some narrators have said: Ibn Umm Maktoom calls to prayer by night, so eat and drink until Bilaal calls to prayer.

The narration of Aboo Hurayra is as follows: (when you pray, do not kneel like a camel. Place your hands before your knees). However, Waa'il Bin Hujr has said: the messenger of Allaah (may Allaah send salutations upon him) would place his knees before his hands when prostrating. Al Khattaabee and others have said: the narration of Waa'il Bin Hujr is more reliable than the narration of Aboo Hurayra.

He would perform two bowings upon his return from Jumu'a, and he ordered those who perform this prayer to perform four bowings afterward. Our teacher Aboo Al 'Abbaas Ibn Taymiyya has said: one who is in the masjid should perform four bowings and one who is at home should perform two bowings.

This is what traditions have indicated, and Aboo Daawud has mentioned that Ibn 'Umar would perform four bowings when praying in the masjid and two bowings when praying at home.

Ibn 'Umar has narrated that the prophet (may Allaah send salutations upon him) would perform two bowings at home. Narrated by Al Bukhaaree and Muslim.

Aboo Hurayra has narrated that the prophet (may Allaah send salutations upon him) has said: (once you have performed the Jumu'a prayer, perform four bowings). Narrated by Muslim.

His Guidance Concerning The 'Eed

He would perform the 'eed prayer near the eastern gate of the city, though he did so in his masjid once due to rain, provided that the tradition which appears in Sunan Abee Daawud and Sunan Ibn Maaja is authentic.

He would wear his finest clothing and had a particular outfit for the 'eed

and Jumu'a. He once wore two green garments and once wore a red garment, but it was not completely red as some people believe. Rather, it had red pinstripes. In addition, he prohibited that one wear red or yellow clothing, and when he saw 'Abdullaah Bin 'Amr wearing two red garments, he ordered him to burn them.

He would eat an odd number of dates before departing on 'eed al fitr, though he would not eat on 'eed al adha until returning from prayer, and he would eat his sacrifice.

He would bathe for the 'eed, and Ibn 'Umar who adhered firmly to the prophetic tradition would do so before departing.

He would proceed on foot holding a rod, and once he reached the prayer area, he would stand it in front of him to pray facing it, because the prayer area was on open expanse.

He would delay the prayer of 'eed al fitr though not the prayer of 'eed al adha, and Ibn 'Umar who adhered firmly to the prophetic tradition would not depart until sunrise. He would also utter the takbeer until reaching the prayer area. Afterward, he would begin prayer without an adhaan, an iqaama, or an announcement. In addition, he nor his companions would perform voluntary prayer.

He would perform a prayer of two bowings where he would utter the takbeer seven times during the first bowing. As for what is said between every takbeer, it has been mentioned that Ibn Mas'ood has said: one should praise Allaah and send salutations upon the prophet (may Allaah send salutations upon him) , and Ibn 'Umar who adhered firmly to the prophetic tradition would raise his hands upon every takbeer. Once he completed the takbeer, he would begin recitation with Al Faatiha followed by Qaaf. He would then recite Al Qamar during the next standing. He would also recite Al A'la and Al Ghaashiya.

Once he completed recitation, he would utter the takbeer and bow. After prostrating, he would stand and utter the takbeer five times.

Katheer Bin 'Abdillaah Bin 'Amr Bin 'Awf, his father, and his grandfather have narrated that the messenger of Allaah (may Allaah send salutations upon him) would utter the takbeer seven times before recitation during the first standing and would do so five times before recitation during the second standing. At Tirmidhee has said: I asked Muhammad (Al Bukhaaree) about this narration, and he replied: there is nothing more reliable than this, and it is my position. He has also said: the narration of 'Abdullaah Bin 'Abdir Rahmaan At Taa'ifee, 'Amr Bin Shu'ayb, his father, and his grandfather is also authentic.

He meant his narration that the prophet (may Allaah send salutations upon him) uttered the takbeer twelve times during the 'eed, seven times during the first standing and five times during the second standing, and did

not pray before or afterward. Ahmad has said: this is my position.

Once he completed prayer, he would stand facing the people as they sat in rows, and he would deliver a sermon. However, he did not have a minbar, and Jaabir has said: I performed prayer with the messenger of Allaah (may Allaah send salutations upon him) during the 'eed. The prayer began before the sermon without the adhaan and iqaama. Afterward, he leaned upon Bilaal and enjoined reverence and obedience. Once the women arrived, he addressed them similarly. Agreed upon.

Aboo Sa'eed Al Khudree has said: the prophet (may Allaah send salutations upon him) would begin the 'eed with prayer. Afterward, he would stand facing the people as they sat in rows...Narrated by Muslim.

He has also mentioned that the prophet (may Allaah send salutations upon him) would lead the people in two bowings of prayer and would face them as he sat upon his camel. However, I believe that this is incorrect, because he would proceed to prayer on foot while holding a rod. In addition, he delivered the sermon while sitting upon his camel in Mina on the day of sacrifice.

He would begin every sermon by praising Allaah, though it has not been narrated that he would so by uttering the takbeer. People have differed in this regard, thus some such as Shaykhul Islaam Ibn Taymiyya have said that the 'eed sermon begins with praise, and this is correct. Reason being, the prophet (may Allaah send salutations upon him) has said: (if an important matter does not begin with the praise of Allaah, it is severed).

He allowed people to leave the sermon and to perform the 'eed prayer in place of the Jumu'a prayer when the former would occur on Friday.

He would depart upon one path and return upon another. It has been said that he would do so for the following reasons:

- to greet the people of both paths
- to allow the people of both paths to attain his baraka
- to fulfil needs specific to those two paths
- to represent Islaam throughout the area
- to enrage the hypocrites by representing Islaam
- to increase the testimony of the land

Reason being, one who proceeds to the masjid is raised and pardoned with every footstep until he returns.

It has been narrated that he would utter the takbeer from the dawn prayer on the day of 'Arafa until the late afternoon prayer on the thirteenth: (Allaah is the greatest, Allaah is the greatest. There is no deity worthy of worship except Allaah and Allaah is the greatest. Allaah is the greatest, Allaah is the greatest, and praise belongs to Allaah).

His Guidance Concerning The Eclipse Prayer

The prophet (may Allaah send salutations upon him) fearfully rushed to the masjid during the solar eclipse as his overgarment dragged. He

performed two bowings of prayer where he recited Al Faatiha and a long chapter audibly. Afterward, he bowed at length, and then he rose and stood longer than he did in the beginning. He said upon rising: (Allaah hears he who praises him. Praise belongs to you our lord). Afterward, he began to recite, and then he bowed at length.

He rose and prostrated at length. Afterward, he performed the second standing like the first standing. Consequently, each standing consisted of two bowings and two prostrations, thus he completed four bowings and four prostrations.

He saw heaven and hell and wished to show the people a vine of paradise. He saw people being punished in hell and saw a woman being clawed by a cat which she confined until death. He saw 'Amr Bin Maalik dragging his intestines, and he was the first to alter the religion of Ibraaheem. He also saw the pilgrim robber being tortured. Afterward, he departed and delivered a profound sermon which has been narrated as follows: (the sun and moon are indeed miraculous signs, but an eclipse does not occur due to the life and death of a person. Consequently, you should pray, supplicate, and give charity O nation of Muhammad.

When a servant of Allaah fornicates, he becomes outraged like none other. O nation of Muhammad, if you knew what I know, you would laugh rarely and weep often).

He also said: (I saw all that I promised you where I stand, I wished to take a vine from paradise when you saw me advance. However, when you saw me retreat, I saw the destruction of hell).

(I saw the fire, and it was the most dreadful sight which I have ever seen, and I noticed that the majority of it's inhabitants were women). Others asked: due to what O messenger of Allaah? He replied: (due to their disbelief). Someone asked: do they disbelieve in Allaah? He replied: (they are ungrateful, and if you treated a women well for a lifetime and then displeased her, she would say: you have never treated me well at all).

(it has been revealed to me that you will be tried in your graves similar to the trial of the Anti-Christ. You will be asked: how did you become aware of this man? As for the believer, he will reply: Muhammad the messenger of Allaah came to us with guidance, so we accepted it. Someone will say to him: sleep, for we knew that you were a believer. As for the hypocrite, he will say: I said what I heard others saying).

(O people, I beg you for the sake of Allaah to inform me if I have failed to convey the message of my lord in any way). A man stood and said: we declare that you have conveyed the message of your lord and have advised your nation.

He said: (some claim that an eclipse results from the death of a great man, but they have lied. Rather, an eclipse is a miraculous sign of Allaah the

blessed and most high which his servants should consider.

Thirty liars will emerge before the hour, and the last of them will have one eye. His left eye will resemble the eye of Aboo Yahya, and he will claim to be Allaah. He who believes in him will invalidate his good deeds, though he who does not believe in him will be spared punishment. He will reach the entire world with the exception of Al Haram and Bayt Al Maqdis. He will confine the believers to Bayt Al Maqdis, then a severe earthquake will occur and Allaah the magnificent and his soldiers will destroy him.

A tree stump will cry: O Muslim, here is a Jew. However, this will not occur until you ask one another if your prophet had mentioned what you will see, and this will not occur until mountains become displaced. Thereafter, souls will be seized).

This is an authentic description of the eclipse prayer, though other descriptions have been narrated as well.

It has been mentioned that each standing consisted of three bowings.

It has been mentioned that each standing consisted of four bowings.

It has been mentioned that each standing consisted of one bowing, though major scholars consider this incorrect.

Al Bayhaqee has said: a number of scholars of prophetic tradition have authenticated narrations which mention various amounts of bowings, and they have concluded that all are permissible. Some of these scholars are: Ishaq Bin Raahawayh, Muhammad Bin Ishaq Bin Khuzayma, Aboo Bakr Bin Ishaq Ad Dab'ee, Aboo Sulaymaan Al Khattaabee, and Ibn Al Mundhir.

Al Marwazee has narrated that Ahmad has said: I hold that the eclipse prayer consists of four bowings and four prostrations, and that each standing consists of two bowings and two prostrations. I also maintain the narration of 'Aa'isha.

This is the choice of our teacher Aboo Al 'Abbaas Ibn Taymiyya who declared all opposing narrations unauthentic. He has said: rather, the prophet (may Allaah send salutations upon him) performed the eclipse prayer once on the day when his son Ibraaheem died, and Allaah knows best.

He obliged the remembrance of Allaah, prayer, supplication, charity, and emancipation during the eclipse, and Allaah knows best.

His Guidance Concerning The Rain Prayer

He sought rain in different ways. He said during the Jumu'a sermon: (O Allaah, grant us rain. O Allaah, grant us rain. O Allaah, grant us rain).

He proceeded reverently to the prayer area, once he arrived, he ascended the minbar where he praised Allaah. It has been narrated that he said: (praise belongs to Allaah the sustainer of all that exists, the most gracious, the most compassionate, ruler of the day of recompense. There is no deity worthy of

worship except Allaah who does what he pleases. You are Allaah the only deity who does what he pleases. O Allaah, there is no deity worthy of worship except you the wealthy, and we are needy. Send us rain which will strengthen us).

He then raised his hands and began to supplicate. In fact, he raised his hands until the whiteness of his underarms became visible. Afterward, he turned his back to the people while facing the qibla, and then he reversed his overgarment which was black.

He and the people began to supplicate as he faced the qibla. Afterward, he descended and led them in a prayer of two bowings similar to the 'eed prayer. He recited Al Faatiha and Al A'la during the first standing and Al Faatiha and Al Ghaashiya during the second standing.

He sought rain upon the minbar though not on Jumu'a, and it has not been narrated that he lead prayer.

He sought rain while sitting in the masjid.

He sought rain outside the masjid gate which is referred to today as Baab As Salaam.

He sought rain during some of his battles when the polytheists reached water first and the believers became thirsty. Some of the polytheists said: if only our prophet would seek water for his people as Moosa did for his people. Once he became aware of this, he said: (your lord may grant you water). Afterward, he raised his hands and supplicated until a downpour filled the valley, and the people drank until they were full.

He would remove his garment allowing it to become wet, and when questioned about this, he replied: (rain is newly created).

Ash Shaafi'ee has said: I have been informed by one whom I do not accuse that Yazeed Bin Al Haad has narrated that the prophet (may Allaah send salutations upon him) would say during a downpour: (may we come to what Allaah has made pure so that we may cleanse ourselves and praise him).

Ash Shaafi'ee has said: I have been informed by one whom I do not accuse that Ishaq Bin 'Abdillaah has narrated that 'Umar and his companions would go to the prophet (may Allaah send salutations upon him) during a downpour, and that he has said: none of us would return without wiping him.

His face would reveal that he had seen the clouds, and he would go back and fourth in fear of punishment. However, once it had rained, he would regain his composure.

Ash Shaafi'ee has said: Saalim Bin 'Abdillaah and his father have narrated that the prophet (may Allaah send salutations upon him) would say when seeking rain: (O Allaah, grant us rain...).

Ash Shaafi'ee has said: this supplication is most desireable, and I have

been informed that the prophet (may Allaah send salutations upon him) would raise his hands and that his body would become wet during the initial shower.

I have been informed that some of the companions of the prophet (may Allaah send salutations upon him) would say after a rainy night: the gale of al fath has rained upon us, then the following would be recited: **{none can with hold the mercy which Allaah grants man}** [Faatir/2].

﴿ مَا يَفْتَحُ اللَّهُ لِلنَّاسِ مِنْ رَحْمَةٍ فَلَا مُمْسِكَ لَهَا ﴾ [فاطر: 2]

Ash Shaafi'ee has said: I have been informed by one whom I do not accuse that 'Abdul 'Azeez Bin 'Umar and Makhool have narrated that the prophet (may Allaah send salutations upon him) has said: (ask that a prayer be answered when battle begins, that prayer be established, and that rain falls).

Al Bayhaquee has said: Sahl Bin Sa'd has narrated that the prophet (may Allaah send salutations upon him) has said: (a prayer is answered during the call to prayer, during adversity, and during rainfall).

Aboo Umaama has narrated that the prophet (may Allaah send salutations upon him) has said: (the gates of heaven are opened in four instances: when battle begins, when rain falls, when prayer begins, and when the ka'ba is seen).

His Guidance Concerning Travel

He traveled to migrate, to engage in armed struggle, and to perform hajj and 'umra. However, he mainly traveled to engage in armed struggle.

A lottery would decide which wife traveled with him, though all of his wives traveled with him when he performed hajj.

He would begin his journey in the morning and preferred to travel on Thursday. He also asked Allaah the blessed and most high to bless the mornings of his nation.

He would dispatch troops in the morning.

He obliged three travelers to choose a leader.

He forbade that a man travel alone, and he has informed us that one traveler is a devil, that two travelers are two devils, and three travelers are a group.

It has been mentioned that he would say the following before a journey: (O Allaah, I have turned to you...).

He would say the following when mounting his riding animal: (in the name of Allaah). Once he was seated, he would say: (praise belongs to Allaah who has made this subservient to us...). Afterward, he would say: (Allaah is the greatest, Allaah is the greatest). Finally, he would say: (glory belongs to you. I have oppressed myself, so forgive me, and only you can forgive sins).

He would also say: (O Allaah, we ask you for righteousness during this journey...) , and he would repeat this upon his return while adding the following: (we return in repentance worshipping and praising our lord).

He and his companions would utter the takbeer while ascending and would utter the tasbeeh while descending.

When seeking to enter a village, he would say: (O Allaah, lord of the seven heavens...).

It has also been mentioned that he would say: (O Allaah, I ask that you grant me the good of this village...).

He would perform two instead of four bowings of prayer once his journey began, and he would continue to do so until his return. As for the narration of 'Aa'isha which states that he would complete his prayer and reduce it and would complete his fast and break it while traveling, it is unreliable. In fact, I have heard Shaykhul Islaam say that it is a lie. It has also been narrated that he would reduce his prayer while 'Aa'isha would complete her prayer and that he would break his fast while she would complete her fast. Our teacher Shaykhul Islaam Ibn Taymiyya has said: the mother of the believers would not oppose the prayer of the messenger of Allaah (may Allaah send salutations upon him) and all of his companions. Furthermore, she has said: Allaah ordained prayer in bowings of two, though when the messenger of Allaah (may Allaah send salutations upon him) migrated to Al Madeena, the prayer of a resident was increased while the prayer of a traveler was not.

'Aa'isha completed her prayer after the death of the prophet (may Allaah send salutations upon him) , and Ibn 'Abbaas and others have said: she had an interpretation like 'Uthmaan. The prophet (may Allaah send salutations upon him) always reduced his prayer, so two narrations were combined to form one which said: the messenger of Allaah (may Allaah send salutations upon him) would reduce his prayer while 'Aa'isha would complete her prayer. However, some narrators said by mistake: he would complete and reduce his prayer.

There is a discrepancy concerning her interpretation, some have said: she thought that prayer was reduced due to fear, but this is incorrect. Reason being, the prophet (may Allaah send salutations upon him) would reduce his prayer during a safe journey.

As for the verse (An Nisaa/101) , 'Umar questioned the messenger of Allaah (may Allaah send salutations upon him) about it and he replied that it is a charity from Allaah.

It has been said that the verse entails that two bowings of prayer be performed and that the it's pillars be reduced during unsafe travel. It has also been said that a fearful resident should reduce the pillars of prayer and that a safe traveler should reduce the amount of his prayer.

'Aa'isha has said: Allaah ordained prayer in bowings of two, though when the messenger of Allaah (may Allaah send salutations upon him) migrated to Al Madeena, the prayer of a resident was increased while the prayer of a traveler was not. This indicates that she held that a traveler was obliged to perform two bowings of prayer.

Ibn 'Abbaas has said: Allaah ordained prayer upon the tongue of your prophet, four bowings at home, two bowings en route, and one bowing when fearful. Narrated by Muslim.

'Umar has said: the prayer of a traveler, the Jumu'a prayer, and the 'eed prayer consist of two bowings which have not been reduced as Muhammad (may Allaah send salutations upon him) has said, and whoever lies is doomed.

'Umar asked the prophet (may Allaah send salutations upon him) : what if we reduce our prayer when we are safe? He replied: (it is charity from Allaah, so accept it). However, the two narrations of 'Umar do not contradict each other, because when the prophet (may Allaah send salutations upon him) replied that reduced prayer is a charity, 'Umar knew that the verse did not imply a reduced amount. Furthermore, he said that the prayer of a traveler consists of two bowings which have not been reduced. Based upon that, the verse of reduced prayer does not indicate that one may or may not reduce the amount of his prayer.

Anas has said: we traveled with the messenger of Allaah (may Allaah send salutations upon him) from Al Madeena to Makka, and he performed prayer in bowings of two until we returned. Agreed upon.

When 'Abdullaah Bin Mas'ood was informed that 'Uthmaan Bin 'Affaan performed four bowings of prayer in Mina, he said: we indeed return to Allaah and for Allaah...Agreed upon.

Ibn Mas'ood reacted as such due to the fact that he always saw the prophet (may Allaah send salutations upon him) and his rightly guided successors perform prayer in bowings of two when traveling.

Ibn 'Umar has said: I accompanied the messenger of Allaah (may Allaah send salutations upon him) , and he nor Aboo Bakr, 'Umar, and 'Uthmaan would exceed two bowings of prayer when traveling. Narrated by Al Bukhaaree.

However, 'Uthmaan completed his prayer at the end of his reign, and his action has been interpreted in several ways:

It has been said that he wanted to teach others that the obligatory prayer consists of four bowings lest they be led to believe that it consists of two bowings at home and en route. However, this interpretation is unacceptable, because the prophet (may Allaah send salutations upon him) did not act as such during pilgrimage, even though the Arabs had recently accepted Islaam.

It has been said that he had interpreted that prayer is reduced in the midst of a journey. However, this interpretation is unacceptable, because the prophet (may Allaah send salutations upon him) reduced prayer for ten days while in Makka.

It has been said that he stayed in Mina for three days and that the prophet (may Allaah send salutations upon him) has said: (an immigrant who has completed his rites resides for three days). Although he did refer to an immigrant as a resident, this interpretation is unacceptable, because he resided in Mina for three days while reducing his prayer.

It has been said that he became a resident of Mina. However, this interpretation is unacceptable, because he was an immigrant, and the prophet (may Allaah send salutations upon him) forbade that an immigrant reside in Makka longer than three days after completing his rites. Reason being, they abandoned Makka for the sake of Allaah.

He has said: O people, I married upon my arrival, and I have heard the messenger of Allaah (may Allaah send salutations upon him) say: (when a man marries, he performs the prayer of a resident). Narrated by Ahmad.

Al Bayhaqee has declared this narration unreliable.

Aboo Al Barakaat Ibn Taymiyya has said: Al Bukhaaree has mentioned this narration without criticism, although it is his practice to highlight unreliable narrators.

Ibn 'Abbaas followed by Aboo Haneefa, Maalik, and Ahmad have held that a traveler who marries must complete his prayer, and this is the best excuse which has been made for 'Uthmaan.

An excuse has also been made for 'Aa'isha that she is the mother of the believers, thus wherever she went was her home. However, this is a weak excuse, because her motherhood stems from the fatherhood of the prophet (may Allaah send salutations upon him) who did not complete prayer while traveling.

Ash Shaafi'ee has said: if a traveler was obliged to perform two bowings of prayer, 'Uthmaan, 'Aa'isha, and Ibn Mas'ood would not have completed their prayers, and it would not be permissible for a traveler to complete his prayer with a resident. Furthermore, 'Aa'isha has said: the messenger of Allaah (may Allaah send salutations upon him) would reduce and complete his prayer while traveling.

Al Bayhaqee has said: the most reliable chain in this regard is Al Mahaamilee, Sa'eed Bin Muhammad Bin Thawaab, Aboo 'Aasim, 'Umar Bin Sa'eed, 'Ataa, and 'Aa'isha who have narrated that the prophet (may Allaah send salutations upon him) would complete his prayer and reduce it and would complete his fast and break it. Ad Daaraqutnee has said: this is a sound chain. He then said: 'Aa'isha performed 'umra with the prophet (may Allaah send salutations upon him) traveling from Al Madeena to Makka,

and once she reached Makka, she said: O messenger of Allaah, I have completed my prayer and have reduced it and have completed my fast and have broken it. He replied: (you have done well O 'Aa'isha).

I have heard Shaykhul Islaam Ibn Taymiyya say: this is a lie, 'Aa'isha would not oppose the prayer of the messenger of Allaah (may Allaah send salutations upon him) and all of his companions. Furthermore, she has said: Allaah ordained prayer in bowings of two, though when the messenger of Allaah (may Allaah send salutations upon him) migrated to Al Madeena, the prayer of a resident was increased while the prayer of a traveler was not.

Umayya Bin Khaalid said to 'Abdullaah Bin 'Umar: we find the prayer of a resident and the prayer of fear in the Qur'aan, but we do not find the prayer of a traveler. He replied: O my brother, Allaah has sent Muhammad (may Allaah send salutations upon him) and we do not know anything. Rather, we do what we see him do.

Anas has said: we traveled with the messenger of Allaah (may Allaah send salutations upon him) to Makka, and he performed prayer in bowings of two until we returned to Al Madeena.

Ibn 'Umar has said: I accompanied the messenger of Allaah (may Allaah send salutations upon him) , and he nor Aboo Bakr, 'Umar, or 'Uthmaan would exceed two bowings of prayer when traveling.

His Guidance Concerning Regular Voluntary Prayer During Travel

He would only maintain the voluntary dawn prayer and the witr prayer when traveling. Ibn 'Umar has said: I accompanied the prophet (may Allaah send salutations upon him) , and I did not see him perform regular voluntary prayer when traveling, and Allaah the magnificent has said: **{you have a fine example in the messenger of Allaah}** [Al Ahzaab/21].

﴿لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ﴾ [الأحزاب: 21]

Ibn 'Umar has said: the messenger of Allaah (may Allaah send salutations upon him) would perform the night prayer upon his camel facing whatever direction it proceeded in. Narrated by Al Bukhaaree and Muslim.

Ahmad was questioned about voluntary prayer during travel and he replied: I hope that there is nothing wrong with performing voluntary when traveling. It has been narrated that Al Hasan has said: the companions of the messenger of Allaah (may Allaah send salutations upon him) would perform voluntary prayer when traveling, and it has been narrated that 'Umar, Ibn Mas'ood, Jaabir, Anas, Ibn 'Abbaas, and Aboo Dharr have also said this.

As for Ibn 'Umar, he would only perform voluntary prayer at night, and this appears to be the guidance of the prophet (may Allaah send salutations upon him).

A prayer which consists of four bowings is reduced to two bowings as a concession for the traveler, so how could there be an additional prayer? However, had leniency not been intended, it would be preferable that prayer be completed during travel.

As for the narration of Al Baraa Bin 'Aazib who has said: I traveled with the messenger of Allaah (may Allaah send salutations upon him) for eight months and I did not see him neglect to perform two bowings before the afternoon prayer, At Tirmidhee has said: ghareeb. He has also said: I asked Muhammad about this narration, and he did not know the exact name of Aboo Busra.

As for the narration of 'Aa'isha which appears in Al Bukhaaree that the prophet (may Allaah send salutations upon him) would always perform four bowings before the afternoon prayer and two bowings afterward, it does not state that this was his practice when traveling. Furthermore, the men were more aware of his travels than the women, and Ibn 'Umar has informed us that he would not exceed two bowings, and Allaah knows best.

His Voluntary Prayer While Riding

It was his practice to perform voluntary prayer while riding, and he would bow and prostrate with his head. Anas has narrated that he would face the qibla during the opening takbeer and would continue prayer facing whatever direction his camel proceeded in. Narrated by Ahmad and Aboo Daawud.

However, other narrators have mentioned that he performed his entire prayer facing whatever direction his camel proceeded in, and their narrations are more reliable, and Allaah knows best.

Ibn 'Umar has narrated that the prophet (may Allaah send salutations upon him) would pray upon a camel and donkey. Narrated by Muslim.

He would perform prayer while riding due to rain, provided the narration which states this is reliable.

His Practice Of Combining Prayer

When departing before midday, he would perform the afternoon prayer directly before the late-afternoon prayer. He would also perform the sunset prayer directly before the evening prayer when forced to travel.

Mu'aadh Bin Jabl has narrated that the prophet (may Allaah send salutations upon him) would perform the afternoon prayer directly before the late-afternoon prayer when departing before midday. Otherwise, he would perform the late-afternoon prayer directly after the afternoon prayer and would then depart. He would also perform the sunset prayer directly before the evening prayer when departing before dusk. Otherwise, he would perform the evening prayer directly after the sunset prayer. Narrated by Al Haakim.

Ibn ‘Abbaas has said: when the messenger of Allaah (may Allaah send salutations upon him) would depart before midday, he would proceed and would combine the afternoon and late-afternoon prayers. Otherwise, he would combine the afternoon and late-afternoon prayers and would then depart. He would also combine the sunset and evening prayers when intending to travel at dusk.

Ibn ‘Abbaas has said: when the messenger of Allaah (may Allaah send salutations upon him) would depart after midday, he would combine the afternoon and the late afternoon prayers. Otherwise, he would perform the afternoon prayer directly before the late- afternoon prayer.

Shaykhul Islaam Ibn Taymiyya has said: he combined prayers in advance in ‘Arafa so that the supplication period would not be interrupted, even though the late-afternoon prayer could be reached without difficulty. Consequently, it is more appropriate that prayer be combined due to hardship and necessity.

He would not combine prayers while riding like many people do, nor would he combine prayers upon reaching his destination. However, he did combine prayers in ‘Arafa, thus Aboo Haneefa considered this a rite unrelated to travel.

Maalik, Ash Shaafi’ee, and Ahmad held that prayers were combined due to travel, then Ash Shaafi’ee and Ahmad (in one narration) said that prayers were combined due to extended travel. However, Maalik and Ahmad (in another narration) allowed the people of Makka to reduce and combine prayers in ‘Arafa. Our teacher and Aboo Al Khattaab have also chosen this view, but then our teacher declared that based upon this, it is permissible for one to reduce and combine prayers regardless of the length of his journey.

He did not specify a minimum distance to be traveled in order to reduce prayer and break fast. Similarly, he has allowed tayammum to be performed during any journey. As for narrations which stipulate a journey of one, two, or three days, they are not reliable, and Allaah knows best.

His Guidance Concerning The Recitation Of The Qur’aan

He would recite a specific portion of the Qur’aan without fail.

His recitation was meticulous.

He would pause at the end of every verse.

He would observe the letters of extension.

He would seek the protection of Allaah from Shaytaan the accursed before reciting.

He enjoyed hearing others recite, and when ‘Abdullaah Bin Mas’ood recited for him, he wept.

He would recite in all positions. He would also recite without performing ablution, though not while in a state of major impurity.

He would enhance his voice which would occasionally reverberate as it did on the day of conquest when he recited the beginning of Al Fath, and 'Abdullaah Bin Mughaffal has narrated that he made his voice reverberate three times when pronouncing the letter alif. Narrated by Al Bukhaaree.

When combining these narrations with the following narrations: (beautify the Qur'aan with your voices) (he who does not recite the Qur'aan with a beautiful voice is not one of us) , it becomes known that he did not make his voice reverberate in order to prod his camel.

There are divergent views and arguments which must be examined. Maalik and Ahmad disliked melodic recitation, and 'Alee Bin Sa'eed has narrated that Ahmad has said: melodic recitation displeases me, and it is an innovation. 'Abdullaah has narrated that he has said: I only like melodic recitation if it is sorrowful, thus one should recite like Aboo Moosa.

Ibn Al Qaasim has narrated that Maalik was questioned about melodic recitation during prayer and replied: it displeases me. He has also said: they are singing for money. It has also been narrated that Anas Bin Maalik, Sa'eed Bin Al Musayyib, Sa'eed Bin Jubayr, Al Qaasim Bin Muhammad, Al Hasan, Ibn Seereen, and Ibraaheem An Nakha'ee disliked this practice.

'Abdullaah Ibn Zayd Al 'Akbari has said: I heard a man ask Ahmad: what do you say about melodic recitation? He asked: what is your name? He replied: Muhammad. He asked: would you like for someone to say O Moohammad?

At Tabaree has mentioned that 'Umar Bin Al Khattaab would say to Aboo Moosa: remind us of our lord, and he would recite melodically. He has said: if you are able to recite melodically like Aboo Moosa, then do so.

At Tahaawee has mentioned that Aboo Haneefa and his companions would listen to melodic recitation.

Muhammad Bin 'Abdil Hakam has said: I have seen my father, Ash Shaafi'ee, and Yoosuf Bin 'Umar listen to melodic recitation.

Some have said: melodic recitation is more appealing and inspiring, and it reaches the heart which is the objective. Consequently, it is like sweetness which is added to medicine so that it may reach the ailment.

Inevitably, the soul desires song, and the Qur'aan is the substitute. In fact, the soul has been provided a lawful substitute for everything which is disliked and prohibited.

What is unlawful is bound to be harmful, though melodic recitation is not. Reason being, it does not prevent comprehension. However, if letters were added as opponents believe, unintelligible speech would result, though the reality is quite the contrary.

Melodic recitation is a matter of extension and reverberation, and the prophet (may Allaah send salutations upon him) extended his voice when reciting **{Ar Rahmaan} {Ar Raheem}**, and he made his voice reverberate as has preceded.

Opponents of melodic recitation say: Hudhayfa Bin Al Yamaan has narrated that the prophet (may Allaah send salutations upon him) has said: (recite the Qur'aan with an Arab melody and avoid the melody of the Jews, Christians, and sinners. People will appear after my death whose voices will reverberate like singers when reciting the Qur'aan, though it will not exceed their throats. Their hearts as well as the hearts of those whom they please will be tried). Narrated by Aboo 'Abdillaah Al Hakeem At Tirmidhee.

Ibn 'Abbaas has said: the messenger of Allaah (may Allaah send salutations upon him) had a prayer caller whose aadhaan was melodic, so he said: (the aadhaan is simple, so if yours is not, then do not call to prayer). Narrated by Ad Daaraqutnee.

Melody and reverberation lead to an increase in the Qur'aan which is impermissible. Furthermore, melody and reverberation are unrestricted, and to impose limitations is to manipulate the book of Allaah the most high. Whereas, if limitations were not imposed, one would be free to recite in a manner which would alter the book of Allaah. Consequently, since melodic recitation leads to an unlawful end, it is prohibited.

It should be said that melodic recitation is of two types. The first type is natural and permissible, and Aboo Moosa Al Ash'aree said to the prophet (may Allaah send salutations upon him) : had I known that you were listening, I would have enhanced my voice.

The recitation of the early believers was moving which is commendable, and the evidence of those who maintain this view is interpreted in this light.

The second type of melodic recitation is acquired with training and study. This is the melodic recitation which the early believers prohibited, and the evidence of those who maintain this view is interpreted in this light.

The truth has become clear through analysis, and anyone who is aware of the history of the early believers knows for sure that their recitation was not musical.

His Guidance Concerning The Ill

He would visit his ill companions, and he visited a Jewish youth who served him, and he visited his uncle who was a polytheist. He presented Islaam to them, but only the youth accepted it.

He would sit beside an ill person and ask about his condition, he would also ask what he desired. If he desired something harmless, he would command that he receive it.

He would place his right hand upon an ill person and supplicate for him. He would also supplicate three times as he did for Sa'd saying: (O Allaah, cure Sa'd, cure Sa'd cure Sa'd).

He would say when reaching an ill person: (do not fear, you will be purified if Allaah has willed). He would also say: (it is a purifying expiation).

He would place his pointer finger upon the ground, raise it, and supplicate as a ruqya for the wounded etc. , and this appears in Al Bukhaaree and Muslim. As for the narration which states that seventy thousand people will enter paradise without reckoning, and that they have not sought nor provided a ruqya, it is incorrect. I have heard Shaykhul Islaam Ibn Taymiyya say: rather, it was said: (they are those who have not sought a ruqya).

They will enter paradise without reckoning due to complete monotheism, and for this reason he has said: (they rely upon their lord). Due to the trust which they have placed in their lord, they do not seek anything from others, nor does an omen divert them.

One who offers a ruqya is charitable, and the prophet (may Allaah send salutations upon him) would offer a ruqya though would not seek one, and he has said: (if you are able to benefit your brother, then do so).

If someone asked: how do you respond to the narration of 'Aa'isha which appears in Al Bukhaaree and Muslim that states that the messenger of Allaah (may Allaah send salutations upon him) would join the palms of his hands, blow upon them, recite Al Ikhlāas, Al Falaq, and An Naas, and would then wipe as much of his body as possible three times beginning with his head?

I would respond: this narration varies. It has been narrated that he blew upon himself, and 'Aa'isha has said: I would blow upon him and would use his blessed hand to anoint him. It has also been narrated that he would recite Al Falaq and An Naas and would blow upon himself when ailing.

These narrations explain each other. He would blow upon himself, but would command 'Aa'isha to do so due to weakness and pain, and he would command her to anoint his body with his hand after blowing upon it. However, she did not say that he demanded a ruqya.

It was not his practice to visit the ill on a specific day or at a particular time. Rather, he has prescribed that his nation do so at all times, and it has been narrated that he has said: (when a man visits his ill Muslim brother, he walks upon the land of paradise until he sits. Once he sits, mercy rises above him. If it is morning time, seventy thousand angels send salutations upon him until evening. If it is evening time, seventy thousand angels send salutations upon him until he awakes). Narrated by Ahmad.

(when a Muslim visits another Muslim, Allaah sends seventy thousand angels to him who send salutations upon him from morning until evening, or from evening until he awakes). Narrated by Ahmad.

He would occasionally place his hand upon the forehead of an ill person and would anoint his face, chest, and stomach saying: (O Allaah, heal him).

If he was despondent, he would say: (we indeed return to Allaah and for Allaah).

His Guidance Concerning Funerals

His kind treatment of the deceased and his relatives was unprecedented, and it was his practice to establish the lordship of Allaah during a funeral.

He would prepare the deceased in the finest manner, and his greatest practice was the formation of rows where he and his companions would stand praising Allaah while seeking his forgiveness and supplicating for the departed. Afterward, they would proceed to the grave to bid him farewell where they would seek much needed support for him. Finally, they would visit and greet him while supplicating for him as if he were alive.

He was reminded of death while ill and was advised to prepare, and he was instructed to declare that there is no deity worthy of worship except Allaah so that these could be his last words. Finally, the mourning of the disbelievers who slap their cheeks and rip their clothes was prohibited.

It is desireable that one weep quietly, and the prophet (may Allaah send salutations upon him) would say: (we are sad and tearful, though we only say what pleases our lord).

He has prescribed that his nation be pleased with Allaah, but this does not negate sorrow, because none was more pleased than he with the decree of his lord. Nevertheless, he wept when his son Ibraaheem passed away, though he remained grateful.

As the sight of pleasure and sorrow began to trouble some who knew Allaah, he began to laugh, so one of them asked: are you laughing at a time like this? He replied: I sought to display my pleasure with the decree of Allaah. This has perplexed some scholars who have asked: how could he weep when none was more pleased than he with the decree of Allaah, and how could the questioner please him until he began to laugh? I have heard Shaykhul Islaam Ibn Taymiyya say: our prophet (may Allaah send salutations upon him) fulfilled the demands of the lordship of Allaah, thus his heart could accommodate pleasure and sorrow. As a result, his servitude yielded pleasure while his compassion yielded grief. Whereas, the heart of the questioner could not accommodate pleasure and sorrow, and he was incapable of expanding inwardly. Consequently, the servitude of pleasure diverted him from the servitude of compassion.

Preparing The Deceased

The Funeral Prayer

It was his practice to prepare the deceased without delay, and then he would perform the funeral prayer. Finally, he would carry him to his grave. However, the companions felt that this was a burden for him, so they themselves would prepare the deceased and bring him to the prophet (may Allaah send salutations upon him) who would perform the funeral prayer outside the masjid.

It was not a regular practice of his to perform the funeral prayer in the masjid. Rather, he would perform the funeral prayer outside the masjid. However, he did perform the funeral prayer in the masjid for Suhayl Bin Baydaa and his brother, and Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (if one performs the funeral prayer in the masjid, he is not at fault). Narrated by Aboo Daawud.

Ahmad has declared this narration unreliable.

Al Bayhaqee has said: the narration of 'Aa'isha is more reliable.

Maalik has mentioned that the funeral prayer was performed in the masjid for Aboo Bakr and 'Umar.

At Tahaawee has said: the prayer which the prophet (may Allaah send salutations upon him) performed in the masjid is abrogated, and this is proven by the fact that the majority of the companions disagreed with 'Aa'isha. However, Al Bayhaqee has responded saying: if Aboo Hurayra held that the narration of 'Aa'isha was abrogated, he would have said so during the funeral prayer of Aboo Bakr As Siddeeq and 'Umar Bin Al Khattaab, and those who disagreed with 'Aa'isha would have said so as well. Rather, those who disagreed with 'Aa'isha were unaware that the funeral prayer was permissible in the masjid, but once they heard her narration, they did not challenge it.

Al Khattaabee has said: the funeral prayer was performed in the masjid for Aboo Bakr and 'Umar, and it is known that the majority of the companions were present. However, they did not object which proves that the prayer was permissible.

The truth of the matter is that the practice of the prophet (may Allaah send salutations upon him) was to perform the funeral prayer outside the masjid except when unable. However, the funeral prayer may be performed inside or outside of it, but the latter practice is better, and Allaah knows best.

Bathing And Shrouding The Deceased

It was his practice to cover the deceased and to close his eyes, and he would kiss the deceased as he kissed 'Uthmaan Bin Madh'oon and Aboo Bakr As Siddeeq.

He ordered that the deceased be bathed three or five times, or more if the one bathing him sees fit.

He ordered that camphor be used during the final bathing.

He would not bathe martyrs slain upon the battlefield, and Ahmad has mentioned that he would bury them in their clothes without performing prayer for them.

He ordered that the deceased muhrim be bathed with water and lotus and

that he be shrouded in his ihraam.

He forbade that fragrance be applied to his body or that his head be covered.

He ordered that the deceased be shrouded well, and that he be shrouded in white.

He forbade that a shroud be expensive.

If a shroud cannot cover the entire body, the head should be covered and and foliage should be placed at the feet.

The Funeral Prayer

One must ask whether or not the deceased was in debt, if he was not, then the funeral prayer may be performed. Otherwise, it may not. The prophet (may Allaah send salutations upon him) allowed his companions to perform the funeral prayer for one in debt, because his prayer is an intercession, and one cannot enter paradise while in debt. However, once Allaah enabled him to pay the debts of the deceased, he performed the funeral prayer for them as well.

When Ibn 'Abbaas performed the funeral prayer, he recited Al Faatiha audibly after the first takbeer so that others would know that it was desirable. It has been mentioned that the prophet (may Allaah send salutations upon him) has ordered this, though the chain of this narration is unreliable. Our teacher has said: it is not obligatory to recite Al Faatiha during the funeral prayer. Rather, it is desirable.

It has been narrated that Aboo Hurayra asked 'Ubaada Bin As Saamit about the funeral prayer, and he replied: begin by uttering the takbeer, then send salutations upon the prophet and say: O Allaah, your slave so and so was a monotheist and you are most familiar with him. If he was good, then increase his goodness. If he was not, then forgive him. O Allaah, do not deprive us of his reward and do not misguide us after his demise.

The objective of the funeral prayer is to supplicate for the deceased. Consequently, this practice has been relayed unlike the practice of reciting Al Faatiha.

The following supplications have been narrated: (O Allaah, forgive him and grant him well being. Honor and expand his resting place. Bathe him with ice water and cleanse him of error as a white garment is cleansed of filth. Grant him a better abode and a better family and protect him from the torture of the afterlife).

(O Allaah, forgive the living and dead, the young and old, the male and female, and the present and absent amongst us. Allow us to live in submission and to die upon faith. O Allaah, do not deprive us of his reward and do not try us after his demise).

He has obliged sincere supplication, and it was his practice to utter the

takbeer four times. However, he would also do so five times, and the companions would do so four, five, and six times after his demise. Zayd Bin Arqam uttered the takbeer five times and has mentioned that the prophet (may Allaah send salutations upon him) did so as well. Narrated by Muslim.

‘Alee Bin Abee Taalib uttered the takbeer six times when performing the funeral prayer for Sahl Bin Haneef and the martyrs of Badr. However, he would do so five times for other companions. Otherwise, he would do so four times. Narrated by Ad Daaraqutnee.

Al Hakam Bin Utayba has said: the companions would utter the takbeer five, six, and seven times when performing the funeral prayer for the martyrs of Badr, and the prophet (may Allaah send salutations upon him) did not forbid that one utter the takbeer more than four times. In fact, he did so himself, and so did his companions.

Some who have prohibited that one utter the takbeer more than four times have relied upon the narration of Ibn ‘Abbaas which states that the prophet (may Allaah send salutations upon him) did so four times during his last funeral prayer. However, it has been narrated that Ahmad has said: this is a lie, it was narrated by Muhammad Bin Ziyaad who was a fabricator.

They have relied upon the narration of Ibn ‘Abbaas which states that the angels uttered the takbeer four times when performing the funeral prayer for Aadam and said: this is your tradition O children of Aadam.

They have relied upon the narration of ‘Ubayy which states that the angels uttered the takbeer four times when performing the funeral prayer for Aadam and said: this is your tradition O children of Aadam. However, this narration is unreliable.

The companions of Mu’aadh would utter the takbeer five times during the funeral prayer, and ‘Alqama has said: I said to ‘Abdullaah: some of the companions of Mu’aadh have arrived from Syria, and they uttered the takbeer five times during the funeral prayer. As a result, ‘Abdullaah said: utter the takbeer of the imaam and depart once he has concluded.

His Guidance Concerning the Tasleem Of The Funeral Prayer

It has been narrated that he would utter the tasleem once and twice during the funeral prayer. Aboo Hurayra has narrated that the prophet (may Allaah send salutations upon him) would utter the takbeer four times and would greet once when performing the funeral prayer. Narrated by Al Bayhaqee.

However, it has been narrated that Ahmad has said: I consider this narration fabricated.

‘Abdullaah Bin Abee Awfa has narrated that he performed the funeral prayer for his daughter and uttered the takbeer four times. When we thought that he would utter the takbeer a fifth time, he uttered the tasleem facing the

right and left. When he departed, we asked: what is this? He replied: I will do no more than what the messenger of Allaah (may Allaah send salutations upon him) has done.

Ibn Mas'ood has said: there are three actions of the messenger of Allaah (may Allaah send salutations upon him) , and one of them has been neglected, namely uttering the tasleem during the funeral prayer as it is uttered during daily prayer. Narrated by Al Bayhaqee.

However, Yahya Bin Ma'een, An Nasaa'ee, and Aboo Haatim have declared this narration unreliable.

The narration of Ash Shaafi'ee is as follows: he uttered the takbeer four times, and then the tasbeeh was uttered as he stood. Afterward, he uttered the tasleem, and then he said: you felt that I should utter the takbeer more than four times although I have seen the messenger of Allaah do so four times.

The narration of Ibn Maaaja is similar.

It is known that Ibn Abee Awfa would utter the tasleem once as Ahmad has mentioned.

Ahmad Bin Al Qaasim has said: Aboo 'Abdillaah was asked: do you know if any of the companions uttered the tasleem twice during the funeral prayer? He replied: no, but six companions did so facing the right. He mentioned: Ibn 'Umar, Ibn 'Abbaas, Aboo Hurayra, Waathila Bin Al Asqa', Ibn Abee Awfa, and Zayd Bin Thaabit. Al Bayhaqee has added: 'Alee Bin Abee Taalib, Jaabir Bin 'Abdillaah, Anas Bin Maalik, and Aboo Umaama Bin Sahl Bin Haneef. Aboo Umaama received his name from the prophet (may Allaah send salutations upon him) who named him after his maternal grandfather. He was a companion as well as an elder amongst those who met them.

As for raising the hands, Ash Shaafi'ee has said: they are raised due to a narration as well as the fact that the prophet (may Allaah send salutations upon him) would raise his hands upon every takbeer which he uttered while standing.

He has referred to the narration which states that Ibn 'Umar and Anas Bin Maalik would raise their hands upon every takbeer which they uttered during the funeral prayer.

It has been mentioned that he would raise his hands upon uttering the first takbeer and that he would place his right hand upon his left hand. Narrated by Al Bayhaqee.

His Guidance Concerning Prayer At The Grave

It was his practice to perform prayer at the grave when missing the funeral prayer, and he did so a day later, three days later, and a month later.

Ahmad has said: if one is doubtful, it has been reliably narrated that the

prophet (may Allaah send salutations upon him) would perform prayer at the grave when missing the funeral prayer.

Ahmad has held that prayer may not be performed at the grave later than a month since the prophet (may Allaah send salutations upon him) did not exceed this period.

Ash Shaafi'ee has held that prayer may not be performed at the grave once the corpse begins to decay.

Aboo Haneefa and Maalik have only allowed the one responsible for the deceased to pray at the grave if he was absent.

It was his practice to stand at the head of a man and at the middle of a woman.

His Guidance Concerning Prayer For The Child

He has said: (prayer is performed for the child).

Ahmad was asked: when should prayer be performed for the child? He replied: once he has reached four months, because that is when the soul is blown into him.

If someone asked: did the prophet (may Allaah send salutations upon him) perform prayer for his son Ibraaheem, the reply would be: there is a discrepancy in this regard, Aboo Daawud has narrated that 'Aa'isha has said: when Ibraaheem the son of the prophet (may Allaah send salutations upon him) died, he was eighteen months old and the messenger of Allaah (may Allaah send salutations upon him) did not perform prayer for him.

Al Baraa Bin 'Aazib has said: the messenger of Allaah (may Allaah send salutations upon him) performed prayer for his son Ibraaheem who was sixteen months old when he died.

'Ataa Bin Abee Rabaah has narrated that the prophet (may Allaah send salutations upon him) performed prayer for his son Ibraaheem who was seventy days old. However, this narration is mursal and Ibraaheem was more than a year old.

Some have affirmed that prayer is performed for the child and have declared the narration of 'Aa'isha unreliable, and others have declared the narration of Al Baraa unreliable.

Some have said that prayer was not performed since the prophethood of the messenger of Allaah (may Allaah send salutations upon him) was adequate. Similarly, prayer is not performed for a martyr, because his martyrdom is adequate. Others have said that the prophet (may Allaah send salutations upon him) was engaged in the prayer of the solar eclipse, hence he was unable to pray for Ibraaheem.

Some have said that there is no contradiction in terms of narration, because the prophet (may Allaah send salutations upon him) ordered that prayer be performed for Ibraaheem, though he could not do so himself due to the solar eclipse.

Some have said that an affirmative narration is more preferable than a negative narration, because the former provides additional information.

His Guidance Concerning Prayer For One Who Has Committed Suicide Or Has Stolen War Spoils

It was his practice not to perform prayer for one who committed suicide or stole war spoils.

There is a discrepancy concerning his stance toward those who were slain as a punishment, though he did perform prayer for the woman whom he stoned. As a result, 'Umar asked: will you pray for her although she has committed fornication? He replied: (if her repentance was divided amongst seventy people of Al Madeena, it would suffice them, and is there a repentance greater than self sacrifice for the sake of Allaah the most high) ? Narrated by Muslim.

Al Bukhaaree has mentioned the story of Maa'iz Bin Maalik saying: the prophet (may Allaah send salutations upon him) spoke kindly to him and performed prayer for him.

Az Zuhree has affirmed that prayer was performed for Maa'iz Bin Maalik, and Mahmood Bin Ghaylaan has narrated that 'Abdur Razzaaq has also, though eight companions of 'Abdur Razzaaq have opposed him. Al Bayhaquee has said: Mahmood Bin Ghaylaan is incorrect due to the consensus of the companions of 'Abdur Razzaaq. Furthermore, the companions of Az Zuhree have opposed him.

Aboo Sa'eed Al Khudree has said: forgiveness was not sought for Maa'iz Bin Maalik nor was he reviled. Narrated by Muslim.

Burayda Bin Al Haseeb has said: the prophet (may Allaah send salutations upon him) has said: (seek forgiveness for Maa'iz Bin Maalik). Others said: may Allaah forgive Maa'iz Bin Maalik. Narrated by Muslim.

Jaabir has said: prayer was performed for Maa'iz Bin Maalik. Narrated by Al Bukhaaree.

Aboo Baraza Al Aslamee has said: the prophet (may Allaah send salutations upon him) did not perform prayer for Maa'iz Bin Maalik, nor did he forbid others from doing so. Narrated by Aboo Daawud.

As for Al Ghaamidiyya, it is agreed that he performed prayer for her. As for Maa'iz Bin Maalik, it should be said that forgiveness was sought, but prayer was neglected as a warning. Otherwise, it should be said that if narrations conflict, the story of Al Ghaamidiyya should be relied upon.

His Guidance Concerning The Transport Of The Deceased

He would proceed to the graveyard in front of the deceased, and this was the practice of his rightly guided successors. However, one who is riding should proceed behind him and one who is walking should proceed near him.

He ordered that the deceased be transported swiftly. As for the current practice of proceeding step by step, it is an innovation and an imitation of the Jews. In fact, when Aboo Bakra would find someone proceeding as such, he would raise his whip. He has said: we walked swiftly with the messenger of Allaah (may Allaah send salutations upon him).

The prophet (may Allaah send salutations upon him) would say as he proceeded: (I cannot ride while the angels walk).

He would not sit until the deceased was buried, and he has said: (if you join a funeral procession, do not sit until the deceased is buried).

His Guidance Concerning Prayer For The Absent

It was not his practice to perform prayer for all who were absent. However, he did perform prayer for An Najaashee, and the following three views have been adopted in this regard:

Prayer should be performed for all who are absent, and this has been said by Ash Shaafi'ee and Ahmad. Whereas, Aboo Haneefa and Maalik have said that this prayer was only for An Najaashee.

It has been narrated that he performed prayer for Mu'aawiya Bin Mu'aawiya Al Laythee who was absent, but Al 'Alaa Bin Zayd is within the chain, and Ibn Al Madeeneh has declared him a fabricator.

Shaykhul Islaam Ibn Taymiyya has said: the truth of the matter is that if prayer has not been performed in a particular land, it may be performed in another land as the prophet (may Allaah send salutations upon him) did for An Najaashee.

However, he did not always perform prayer for the absent, thus it is a prophetic tradition to perform and neglect this prayer.

These three views are maintained by the legal school of Ahmad, though the third view is more accurate and the first view is more prevalent.

He stood during a funeral procession and sat during a funeral procession, and some have said that sitting is abrogated. Others have said that his standing and sitting indicate permissibility and that his neglect to do so indicates permissibility, and this is a better approach.

His Guidance Concerning Burial

It was his practice to avoid burial at sunrise, noon, and sunset. He would dig a deep grave which he would widen to accommodate the head and feet of the deceased, and he would bury width wise as well. It has been mentioned that he would say the following when burying the deceased: (in the name of Allaah, for the sake of Allaah, and according to the religion of his messenger).

Once burial was complete, he and his companions would stand at the grave seeking much needed support for the deceased. However, he would not recite there like people do today, nor would he instruct the departed. As

for the following tradition of Aboo Umaama, it has not been narrated directly: (if someone dies and you have buried him, stand at the top of his grave, then say: O son of such and such woman, because he hears though is unable to respond. Repeat what you have said, because he will sit in an upright position. Repeat what you have said, because he will say: we have been guided, may Allaah have mercy upon you, though you cannot hear us. Remember that you departed having declared that there is no deity worthy of worship except Allaah and Muhammad is his messenger, and remember that you have accepted Allaah as your lord, Islaam as your religion, Muhammad as your prophet, and the Qur'aan as your leader. Munkar and Nakeer will say: let us depart. How may we face him after he has received his defence, amongst which is the messenger of Allaah? A man asked: O messenger of Allaah, what if one does not know his mother? He replied: (attribute him to his mother Hawaa). Narrated by At Tabaraanee.

Al Athram has said: I said to Aboo 'Abdillaah: there are those who do this when burying the deceased. He replied: I have only seen the people of Syria do so upon the death of Aboo Al Mugheera, and Aboo 'Ayyaash has narrated this practice.

He is referring to the previous narration.

Sa'eed Bin Mansoor has mentioned that Raashid Bin Sa'd, Damra Bin Habeeb, and Hakeem Bin 'Umayr have said: once the people departed, it was preferred that one say the to the deceased: O so and so, say three times: there is no deity worthy of worship except Allaah. O so and so, say: my lord is Allaah, my religion is Islaam, and my prophet is Muhammad.

His Guidance Concerning The Building Of Graves

It was not his practice to construct graves, thus it is an innovation to due so. In fact, he sent 'Alee Bin Abee Taalib to Yemen to level them.

He has prohibited that graves be plastered, inscribed, or built upon.

The graves of his companions were level like his grave.

He has prohibited that a grave become a masjid, or that lamps be lit there. In fact, he cursed those who perform these acts.

He has prohibited that his grave become a place of celebration.

He has cursed women who frequently visit graves.

He taught that a grave should not be sat or walked upon.

He taught that a grave should not be honored.

His Guidance Concerning The Visitation Of Graves

He would visit the graves of his companions to supplicate for them, this is the visitation which he has prescribed for his nation.

He has obliged visitors to say the following: (peace be upon you, we shall join you if Allaah has willed, and we ask that he grant us well being).

It was his practice to supplicate for the deceased when visiting him as he

did when praying for him. As for the polytheists, they insisted upon invoking the dead in direct contrast to the guidance of the prophet (may Allaah send salutations upon him).

His Guidance Concerning The Family Of The Deceased

It was his practice to offer his condolences to the family of the deceased, but it was not his practice to recite the Qur'aan for the departed, hence this custom is an innovation.

He would continue to praise Allaah while recalling our return to him, unlike those who shred their clothes and raise their voices.

He would order people to prepare food for the family of the deceased and to deliver it to them. Reason being, their affliction would divert them from feeding others.

It was not his practice to announce death. In fact, he has prohibited this declaring it an ignorant custom.

His Guidance Concerning The Prayer Of Fear

It was his practice to reduce the bowings and pillars of his prayer during an unsafe journey. However, he would only reduce the former during a safe journey and would only reduce the latter while fearful at home.

When the enemy stood between him and the qibla, he would form two rows behind him. He and the first row would prostrate while the second row would face the opposition. Once he and the first row had risen, the second row would prostrate. Afterward, the second row would advance to join the first row which would delay so that the latter could also attain the benefit of the first row and prostrate with the prophet (may Allaah send salutations upon him).

The second bowing would resemble the first, and once he sat, the second row would prostrate. Finally, he would utter the tasleem while both rows were in unison.

When the enemy was in another direction, he would lead one group in prayer while the other group faced the opposition. The former group would perform a bowing of prayer and would then trade places with the latter group. Once he had uttered the tasleem, one group would complete their prayer by performing a bowing, and then the other group would do the same.

He would lead one group in prayer, and once he would rise, they would complete their prayer. He would then lead the other group in prayer, and once he sat, they would complete their prayer as he awaited them. Finally, they would conclude in unison.

He would lead one group in prayer which would utter the tasleem before him, then he would lead the other group in prayer, but they would not utter the tasleem before him. Consequently, his prayer consisted of four bowings while their prayer consisted of two bowings.

He would lead one group in prayer and then another group.

He would lead one group in a prayer of one bowing which they would not complete, and then he would lead the other group in a prayer of one bowing which they would not complete. Consequently, his prayer consisted of two bowings while their prayer consisted of one bowing.

Ahmad has said: one may implement any narration concerning the prayer of fear.

Apparently, he has allowed a group to perform a prayer of one bowing, and this was the view of Ibn 'Abbaas, Jaabir Bin 'Abdillaah, Taawoos, Mujaahid, Al Hasan, Qataada, Al Hakam, and Ishaah Ibn Raahawayh.

There are other variations of the prayer of fear, though they are all based upon the preceding descriptions. Some have said that there are ten variations and Muhammad Bin Hazm has said that there are fifteen variations. However, the truth of the matter has preceded. What they have considered a variant practice was actually a variant narration, and Allaah knows best.

His Guidance Concerning Voluntary And Obligatory Charity

His guidance concerning obligatory charity is complete and serves the interests of the needy and wealthy. Allaah the glorified and most high purifies and increases wealth through obligatory charity, and he purifies the charitable as well.

He has imposed charity upon four types of wealth which are most prevalent and essential.

1. produce and grain

2. livestock

3. gold and silver

4. trade generated wealth

He has stipulated that obligatory charity be given once a year and that produce be given upon fruition, and this is fairest. Reason being, if charity were due once a month, the wealthy would suffer, though if it were due once in a lifetime, the needy would suffer.

He has caused obligatory charity to fluctuate according to the effort which is made to attain wealth. Consequently, he has stipulated that 20% of unearthed treasure be given upon discovery, but he has stipulated that 10% be given if it was attained with difficulty. This also applies to produce which is irrigated with and without effort. As a result, he has stipulated that 5% of produce be given if irrigated with effort, but he has stipulated that 2.5% of produce be given if various tasks were required.

The growth of produce and grain is more apparent and plentiful than the growth of trade, thus the charity of the former is greater. Similarly, the growth of produce irrigated by rain is more apparent and plentiful than the growth of produce irrigated by devices, and the growth of unearthed treasure

is the most apparent and plentiful of all.

He has stipulated that a minimum amount of wealth be had for charity to be binding. As for silver, it is 624 grams. As for gold, it is 80. 80 grams. As for produce, it is 653 kilograms. As for sheep, the amount is 40. As for cows, the amount is 30. As for camels, the amount is five, but this minimum amount does not allow that a camel be given, thus a sheep must be given. However, once twenty five camels are had, one camel may be given.

As for camels, as their amount increases, so does the age of the animal which is given.

Consequently, his wisdom has necessitated that a minimum amount of wealth be designated so that charity would be sought fairly and sufficiently. As a result, the wealthy would not withhold what is due, and the needy would not receive what is undeserved.

The glorified lord has divided charity amongst eight groups of people, though they are essentially one of two types:

1. the needy, those who emancipate, and those who are abroad.
2. those who collect charity, those whose hearts are sought for Islaam, those who are in debt, and those who are upon the path of Allaah.

The former take to fulfill their needs while the latter take for their own benefit. However, charity cannot be received if it does not fulfill a need or serve an interest.

Recipients Of Obligatory Charity

It was his practice to give charity to one who deserved it, though if one sought charity whose condition was unknown to him, he would give charity after stating that one capable of earning is undeserving. He would also regain charity if misappropriated.

It was his teaching that charity be spread throughout the region in which it was collected, and it was his practice to distribute the excess himself. As a result, he ordered Mu'aadh Bin Jabl to receive charity from the people of Yemen and to distribute it there.

Those whom he sent would only seek wealth which was visible.

He would send 'Abdullaah Bin Rawaaha, and when the wealthy attempted to bribe him, he said: by Allaah, I have come from the dearest of people to me, though you are more despicable to me than apes and swine. However, I will not treat you unfairly due to my love of him and hatred of you.

It was not his practice to impose charity upon horses, slaves, donkeys, mules, vegetables, and fruits with the exception of grapes and dates.

The Charity Of Honey

'Amr Bin Shu'ayb and his father have narrated that his grandfather has said: he would take 10% of honey. Narrated by Ibn Maaja.

Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) wrote to the people of Yemen informing them that 10% of honey should be taken. Narrated by 'Abdur Razzaaq.

Scholars have differed concerning the status of these traditions.

Al Bukhaaree has said: there is no reliable narration concerning the charity of honey.

At Tirmidhee has said: reliable narrations in this regard are few.

Ibn Al Mundhir has said: charity may not be imposed upon honey since there is no reliable narration or consensus in this regard.

Ash Shaafi'ee has said: the narration which states that 10% of honey is given is unreliable.

'Alee has said: charity is not imposed upon honey.

Yahya has said: Hasan Bin Saalih was questioned about honey and he did not believe that charity had been imposed upon it.

It has been narrated that Mu'aadh did not take honey.

Ash Shaafi'ee has said: Maalik has informed us that 'Abdullaah Bin Abee Bakr has said: 'Umar Bin 'Abdil 'Azeez sent my father a letter while he was in Mina, and it said that he should not take horses and honey. This was the position of Maalik and Ash Shaafi'ee.

Aboo Haneefa, Ahmad, and others have held that charity is imposed upon honey and that narrations in this regard strengthen one another. They have said that since honey is the product of trees and flowers and is measured and stored, it resembles produce and grain, thus charity is binding. They have also said that honey requires less effort than produce and grain.

Aboo Haneefa has said that 10% of honey is taken from land which payment has not been imposed upon. Otherwise, nothing is taken. However, Ahmad makes no distinction in this regard.

Those who have held that charity is imposed upon honey have differed concerning the minimum amount. Aboo Haneefa has not stipulated a minimum amount while others have stipulated various amounts.

When a man would bring charity to the prophet (may Allaah send salutations upon him), he would supplicate for him saying: (O Allaah, bless him and his camel) (O Allaah, send salutations upon him) (O Allaah, send salutations upon him).

It was not his practice to take precious wealth, and he forbade Mu'aadh from doing so. Rather, he would observe moderation.

May One Purchase The Charity Which He Gives?

He forbade that one purchase the charity which he gives, though he allowed the wealthy to partake of the charity which they receive as a gift from the needy. He himself ate meat which he gave as a charity to Burayra, and he said: it is a charity for her and a gift for us.

He would occasionally use charity to serve the interests of the believers,

thus he commanded ‘Abdullaah Bin ‘Amr to take the camels so that an army could be prepared.

He would brand the camels himself, and he would do so on their ears.

He would take charity from the wealthy when faced with a crisis, and he took two years of charity from Al ‘Abbaas.

His Guidance Concerning The Charity Of Fitr

The messenger of Allaah (may Allaah send salutations upon him) imposed the charity of fitr upon a Muslim and those whom he supports, it is given in the form of 2. 176 kilograms of dates, barley, wheat, and raisins.

It has been narrated that 2. 176 kilograms of flour may be given or 1. 088 kilograms of wheat, and it is well known that ‘Umar Bin Al Khattaab replaced all which has preceded with 1. 088 kilograms of wheat. It has been narrated in Al Bukhaaree and Muslim that Mu’aawiya has made this assessment, and there are prophetic narrations in this regard which strengthen one another.

‘Abdullaah Bin Tha’laba has narrated that his father has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (one *saa’ of wheat is given for every two people). Narrated by Ahmad and Aboo Daawud.

*One saa’=2. 176 kilograms.

‘Amr Bin Shu’ayb, his father, and his grandfather have narrated that the prophet (may Allaah send salutations upon him) sent a caller to announce throughout Makka: (the charity of fitr is obligatory upon every Muslim, a half saa’ of wheat or one saa’ of another food). At Tirmidhee has said: an authentic prophetic tradition (hasan ghareeb).

Ibn ‘Umar has narrated that the messenger of Allaah (may Allaah send salutations upon him) ordered ‘Amr Bin Hazm to collect the charity of fitr in the form of a half saa’ of wheat. Narrated by Ad Daaraqutnee.

Al Hasan Al Basree has said: Ibn ‘Abbaas delivered a sermon in Al Basra at the end of Ramadaan where he said: give the charity of your fast, but it seemed that they did not know how. As a result, he asked: is there anyone from Al Madeena here? He then said: rise and teach your brothers, because they do not know the charity which the messenger of Allaah (may Allaah send salutations upon him) has imposed. It is one saa’ of dates or barley or a half saa’ of wheat which is given for the free and enslaved, the male and female, and the young and old. When ‘Alee arrived, he said: you should impose one saa’ of any food. Narrated by Aboo Daawud.

Our teacher has supported this view.

His Guidance Concerning The Offering Of The Charity Of Fitr

It was his teaching that this charity be given before the ‘eed prayer, and it

has been narrated that he has said: (if one gives it before prayer, it is an accepted obligatory charity, if one gives it afterward, it is an ordinary charity). Narrated by Aboo Daawud.

Ibn 'Umar has said: the messenger of Allaah (may Allaah send salutations upon him) ordered that the charity of fitr be given before the people proceed to prayer. Narrated by Al Bukhaaree and Muslim.

These two prophetic traditions necessitate that it is impermissible that this charity be given after the 'eed prayer, and this has not been opposed or abrogated as our teacher has asserted. Similarly, if one slaughters before the prayer of the imaam, he has not sacrificed. This is the guidance of the messenger of Allaah (may Allaah send salutations upon him).

It was his practice to give charity to the needy in particular, thus he nor his companions would divide it amongst the eight types of people who may receive it. In fact, we hold that only this is permissible, and this is more accurate than the view which states that charity must be divided amongst the eight types of people who may receive it.

His Guidance Concerning Voluntary Charity

He was the most charitable of people who would give whatever a person asked for, and he was more pleased to give than one is to receive.

He would give his food and clothing to the needy.

He would give charity as a gift and a grant.

He would purchase something and would give the item to the merchant as he did with the camel of Jaabir.

He would return more than what he borrowed.

He would pay more than the price of an item.

He would give a gift in return which was better than the one which he received.

He enjoined charity and his example encouraged generosity.

His grace was incomparable due to the impact of charity, not to mention his prophethood.

What Expands The Chest

Nothing expands the chest more than monotheism, and this expansion varies according to the completeness of monotheism. Allaah the most high has said: **{Allaah expands the chest of he whom he wishes to guide, and he constricts the chest of he whom he wishes to misguide...}** [Al An'aam/125].

﴿فَمَنْ يُرِدِ اللَّهُ أَنْ يَهْدِيَهُ يَشْرَحْ صَدْرَهُ لِلْإِسْلَامِ وَمَنْ يُرِدْ أَنْ يُضِلَّهُ يَجْعَلْ صَدْرَهُ ضَيِّقًا حَرَجًا كَأَنَّمَا

يَصْغُرُ فِي السَّمَاوِ﴾ [الأنعام: 125]

As monotheism and guidance are amongst the greatest causes of an

expanded chest, polytheism and misguidance are amongst the greatest causes of a constricted chest.

The light of faith also expands the chest and pleases the heart. Consequently, one who is deprived of this light is imprisoned.

At Tirmidhee has narrated that the prophet (may Allaah send salutations upon him) has said: (when light reaches the heart, it expands). Others asked: what are the signs of this? He replied: (that one turns toward the eternal abode and prepares for death).

Knowledge expands the chest until it becomes broader than earth, though ignorance constricts it. However, this does not apply to any knowledge. Rather, it applies to the knowledge which has been inherited from the messenger of Allaah (may Allaah send salutations upon him).

Turning unto Allaah the glorified and most high and loving him with all your heart is uniquely effective in expanding the chest. The impact of the love of Allaah upon the heart, chest, and soul is only known by those who have felt it. As this love increases, the chest broadens, and it only constricts upon the sight of those who have not achieved this expansion.

Amongst the greatest causes of a constricted chest is turning away from Allaah and allowing your heart to become attached to another. When one loves other than Allaah, his love becomes a prison in which his heart is detained. Consequently, it is the most miserable.

One type of love delights the heart while nourishing and medicating the soul. In fact, it is the life-force of the spirit. This is the love of Allaah. There is another type of love which tortures the soul while imprisoning the heart and constricting the chest, this is the love of another.

Remembering Allaah expands the chest and delights the heart in an amazing way. Conversely, neglecting him constricts the heart in an amazing way.

Kindness expands the chest, and the chest of one who is generous is broadest. Conversely, the chest of the miser is most narrow. The messenger of Allaah (may Allaah send salutations upon him) has said: (like two men dressed in armor, when the generous one considers charity, his armor expands, but when the miser considers charity, his armor constricts). Narrated by Al Bukhaaree and Muslim.

Bravery expands the heart and chest, though the heart and chest of the coward are most narrow, and the pleasure which he experiences is merely animalistic.

The joy of the soul transforms the grave into a garden while the constraint of the soul transforms the grave into a cell. As a result, a servant inside the grave is like the heart inside the chest.

The heart must be purged of blameworthy traits. Otherwise, it nor the heart will expand.

One must avoid unnecessary looking, listening, speaking, eating, sleeping, and intermingling, because they are a primary cause of torture in this life and the next, and the most high has said: **{the sinful are in hell}** [Al Infitaar/14].

﴿وَإِنَّ الْفَجَّارَ لَفِي حِمِيمٍ﴾ [الانفطار: 14]

The point is this, the messenger of Allaah (may Allaah send salutations upon him) was most complete in terms of characteristics which expand the heart and chest, and expansion is commensurate with adherence to his tradition. This also applies to the protection of Allaah, so he who finds goodness should praise him. Otherwise, he should blame none but himself.

His Guidance Concerning Fasting

The objective of fasting is abstinence and the pursuit of the greatest joy which the soul could ever attain. Consequently, one who fasts does not act. Rather, he avoids food, drink, and sexual desire for the sake of his lord, thus he avoids what is dear to the soul for the pleasure of Allaah. However, others do not perceive this, and this is the reality of fasting.

Fasting protects the body from harmful elements and aids reverence, and the most high has said: **{O you who believe, fasting has been prescribed for you as it was for those before you so that you may be reverent}** [Al Baqara/183].

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ مِن قَبْلِكُمْ

لَعَلَّكُمْ تَتَّقُونَ﴾ [البقرة: 183]

The prophet (may Allaah send salutations upon him) has said: (fasting is a shield) , and he obliged one to fast when desirous of marriage but unable.

The point is this, since those of sound mind and natural disposition realize the benefits of fasting, he prescribed it for them as a mercy and protection.

Since it is most difficult to wean the soul, fasting was not enjoined until it adapted to monotheism, prayer, and the injunction of the Qur'aan. This was during the second year of migration.

The messenger of Allaah (may Allaah send salutations upon him) departed having observed the fast of Ramadaan nine times.

In the beginning, one was allowed to fast or to feed one needy person daily. Later on, only the elderly who were unable to fast were allowed to do so. In addition, the ill and those en route were were allowed to fast at a later date, and the pregnant and those breast feeding were also allowed to do so if fearful. However, if they were fearful for the sake of their young, they were obliged to feed one needy person daily.

During the first stage of fasting, one was obliged to fast or feed the

needy. During the second stage of fasting, if one neglected to feed a needy person before going to bed, he could not eat or drink until the next evening. As for the third stage of fasting, it is final.

His Worship During The Month Of Ramadaan

It was his practice to perform various acts of worship during the month of Ramadaan.

Jibreel would teach him the Qur'aan, and he was most generous at this time.

He would worship most during Ramadaan and would fast continuously at times, but he prohibited his companions from doing so. As a result, they said: but you fast continuously, so he said: (I am not like you). The following has appeared in another narration: (my lord provides me with food and drink).

Some have said that he was provided actual food and drink and that there is no reason to believe otherwise. Others have said that Allaah nourished him spiritually, and that one who is nourished as such does not require bodily nourishment.

He has said: (my lord provides me with food and drink) , but if it were actual, he would not have been fasting, much less continuously. This would also hold true if this occurred at night, thus he would not have said to his companions (I am not like you) when they said to him: you fast continuously. Rather, he affirmed that his fast was continuous.

'Abdullaah Bin 'Umar has narrated that the messenger of Allaah (may Allaah send salutations upon him) fasted continuously during Ramadaan, so the people did as well. As a result, he prohibited them from doing so, thus someone said to him: but you fast continuously! He said: (I am not like you, I am provided with food and drink).

The narration of Al Bukhaaree is as follows: the messenger of Allaah (may Allaah send salutations upon him) forbade continuous fasting, so others said: but you fast continuously. He replied: (I am not like you, I am provided with food and drink).

Aboo Hurayra has narrated that the messenger of Allaah (may Allaah send salutations upon him) forbade continuous fasting, so a man said: but you fast continuously O messenger of Allaah. He replied: (which one of you is like me? !My lord provides me with food and drink). Narrated by Al Bukhaaree and Muslim.

When the people refused to fast intermittently, the prophet (may Allaah send salutations upon him) fasted with them continuously until they saw the crescent, and he said: (had the crescent delayed, I would have continued with you).

He has informed us that he was provided with food and drink, although

his fast was continuous. In addition, he fasted as such with those previously mentioned as a disciplinary measure. However, he could not have done so had he ate and drank.

The messenger of Allaah (may Allaah send salutations upon him) forbade continuous fasting as a mercy, though he allowed one to fast until the end of the night, and Aboo Sa'eed Al Khudree has narrated that he has heard the prophet (may Allaah send salutations upon him) say: (do not fast continuously, though do so until the end of the night).

If one were to ask: is continuous fasting lawful, unlawful, or disliked?

The response would be: it is lawful if one is capable of doing so, and Ibn Az Zubayr fasted as such. Those who maintain that continuous fasting is permissible assert that the prophet (may Allaah send salutations upon him) fasted as such with the companions after prohibiting this. However, if this prohibition indicated unlawfulness, they would not have refused to desist.

It has been said that he merely desired ease for them since he later affirmed their practice, and 'Aa'isha has said: the messenger of Allaah (may Allaah send salutations upon him) forbade continuous fasting as a mercy. Agreed upon.

Others such as Aboo Haneefa, Maalik, Ash Shaafi'ee, and AthThawree have forbade continuous fasting, and Ibn 'Abdil Barr has narrated that they did not allow anyone to fast as such. Ash Shaafi'ee disliked this practice, though his companions have not agreed that his dislike indicated unlawfulness. Those who maintain that continuous fasting is not permissible say that the prophet (may Allaah send salutations upon him) forbade this and that a prohibition necessitates unlawfulness. They say that the statement of 'Aa'isha does not negate unlawfulness, but in fact confirms it. Reason being, it was an act of mercy to forbid continuous fasting. In fact, every prohibition of his is a mercy for this nation. They say that his fasting with the companions was not an affirmation, but rather a disciplinary measure which revealed the harm of continuous fasting.

They say that he allowed the Arab to urinate in the masjid so that he would accept Islaam and that this is a greater affirmation. Similarly, he allowed a man to pray incorrectly so that he would accept his instruction afterward.

They say that he indicated that only he could fast continuously when he said: (I am not like you).

They say that 'Umar Bin Al Khattaab has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (as the night advances and the day retreats, the fast is broken).

They say that the fast is broken by time even if it has not been broken otherwise, thus a continuous fast is legally impossible.

They say that he has said: (my nation will remain well as long as the fast

is broken without delay).

They say that this necessitates that it is disliked to break fast late, so what if one does not do so at all? Furthermore, an act which is disliked is not an act of worship, because worship is at least desirable.

The most accurate view is that continuous fasting is permissible from the end of one night until the end of the next night, this was the view of Ahmad and Ishaq, and Aboo Sa'eed Al Khudree has narrated that the prophet (may Allaah send salutations upon him) has said: (do not fast continuously, though do so until the end of the night). Narrated by Al Bukhaaree.

This is the easiest continuous fast which is actually a late dinner.

His Guidance Concerning The Verification Of The Month Of Ramadaan

It was his practice not to fast unless he had sighted the crescent or had received the testimony of one person, and he began fasting upon the testimony of Ibn 'Umar. However, he did not demand a sworn testimony.

If he had not sighted the crescent or had not received testimony, the duration of Sha'baan would be thirty days.

Fasting On The Day Of Uncertainty

If the crescent was obscured on the eve of the thirtieth of Sha'baan, the duration of Sha'baan would be thirty days. However, he would not fast on the thirtieth, and he has said: (a month is either twenty-nine or thirty days long, so if the crescent is obscured, then consider the month thirty days long).

He has said: (fast and break your fast upon sighting the crescent, though if it is obscured, then consider the month thirty days long).

He has said: (one may not advance Ramadaan unless he was already fasting).

'Ikrima has narrated that Ibn 'Abbaas has said: the people differed concerning the sighting of the crescent, so some said today while others said tomorrow. Consequently, a man came to the prophet (may Allaah send salutations upon him) and told him that he sighted the crescent, so he asked: (do you declare that there is no deity worthy of worship except Allaah and that Muhammad is his messenger) ? He replied: yes. As a result, the prophet (may Allaah send salutations upon him) commanded Bilaal to announce the fast, and then he said: (fast and break your fast upon the sighting of the crescent, though if it is obscured, then consider the month thirty days long, though do not fast a day in advance).

All of the preceding narrations are reliable despite certain flaws, because they all correspond and their meaning has been unanimously accepted.

One may ask: if what has preceded is the guidance of the prophet (may Allaah send salutations upon him) , how could it be opposed by: 'Umar Bin

Al Khattaab, 'Alee Bin Abee Taalib, 'Abdullaah Bin 'Umar, Anas Bin Maalik, Aboo Hurayra, Mu'aawiya, 'Amr Bin Al 'Aas, Al Hakam Bin Ayyoob Al Ghifaaree, 'Aa'isha, Asmaa, Saalim Bin 'Abdillaah, Mujaahid, Taawoos, Aboo 'Uthmaan An Nahdee, Mutriq Bin Ash Shikhkheer, Maymoon Bin Mihraan, Bakr Bin 'Abdillaah Al Muzanee, and Ahmad Bin Hanbal?

It has been narrated that 'Umar Bin Al Khattaab would fast if the night was overcast.

It has been narrated that 'Alee has said: I would rather fast for a day during Sha'baan than not to fast for a day during Ramadaan.

It has been narrated that Naafi' has said: 'Abdullaah would send someone in search of the crescent once twenty-nine days of Sha'baan had passed. However, if it was not sighted or obscured, he would not fast. Narrated by Ahmad with a sound chain.

It has been narrated that Mu'aawiya has said: I would rather fast for a day during Sha'baan than not to fast for a day during Ramadaan. Narrated by Ahmad.

It has been narrated that 'Amr Bin Al 'Aas would fast on the day of uncertainty.

It has been narrated that Aboo Hurayra has said: I would rather begin Ramadaan a day in advance, because if I waited, I would miss a day.

It has been narrated that 'Aa'isha has said: I would much rather fast for a day during Sha'baan than not to fast for a day during Ramadaan.

It has been narrated that Asmaa would fast a day in advance whenever the crescent was obscured.

It has been narrated that Ahmad has said: if the sky is overcast, one should fast.

A Response

None of these statements indicate that fasting is obligatory on the day of uncertainty, hence the companions could not have opposed the guidance of the messenger of Allaah (may Allaah send salutations upon him). Rather, these narrations at best indicate that it is desireable to fast as a precaution on the day of uncertainty, and Anas has stated that he did so to obey authority. For this reason, Ahmad has said: people fast and break their fast in accordance with the imaam, and the statements and actions of the messenger of Allaah (may Allaah send salutations upon him) which we have narrated do not indicate that it is obligatory or unlawful to fast on a cloudy day. Consequently, one may fast as a precaution or one may not fast at all.

As for fasting on a cloudy day as a precaution, the statements of the companions necessitate that it is permissible, and this was the practice of Ibn 'Umar and 'Aa'isha. However, she has narrated that the prophet (may Allaah send salutations upon him) would fast once thirty days of Sha'baan

had passed when the crescent was obscured, but this narration has been declared unreliable since she opposed it.

‘Aa’isha did not oblige that one fast on a cloudy day. Rather, she did so as a precaution, and she deduced from the statements and actions of the prophet (may Allaah send salutations upon him) that fasting was not obligatory until thirty days of Sha’baan had passed.

This is the most accurate view, and Ibn ‘Umar has narrated that the prophet (may Allaah send salutations upon him) has said: (if you sight the crescent, then fast and break your fast, but if it is obscured, then consider Sha’baan thirty days long).

This indicates that Ibn ‘Umar did not deduce that thirty days of Sha’baan must pass before fasting, thus he fasted on the thirtieth as a precaution.

Ibn ‘Abbaas did not fast on the day of uncertainty due to the following statement of the prophet (may Allaah send salutations upon him) : (do not fast or break your fast until you see the crescent. If it is obscured, then consider Sha’baan thirty days long).

Ibn ‘Abbaas used to say: I am amazed that someone could fast a day or two in advance when the messenger of Allaah (may Allaah send salutations upon him) has said: (do not advance Ramadaan). It seems that he was criticizing Ibn ‘Umar.

Ibn ‘Abbaas was lenient while Ibn ‘Umar was strict. Ibn ‘Umar would rinse the inside of eyes during ablution. As a result, he became blind. When wiping his ears, he would not use the water which he used to wipe his head. He would not enter the bathhouse unlike Ibn ‘Abbaas. He would touch the ground twice when performing ablution unlike Ibn ‘Abbaas who would only do so once. He would renew his ablution after kissing his wife and would rinse his mouth after kissing his children unlike Ibn ‘Abbaas who would not renew his ablution. He would order one who remembered a forgotten prayer while praying to continue, to perform the forgotten prayer afterward, and to then repeat the preceding prayer. As for the narration of Aboo Ya’laa Al Mawsilee in this regard, it has ended with Ibn ‘Umar.

Naafi’ has narrated that when Ibn ‘Umar would join the imaam during the final bowing of prayer, he would perform an extra bowing and would perform the prostration of forgetfulness once his prayer was complete. Az Zuhree has said: I do not know of anyone else who has done this.

The companions have said: we would rather fast for a day during Sha’baan than not to fast for a day during Ramadaan, thus they did not consider this an obligation.

It has been narrated that Ibn ‘Umar has said: if I fasted for a year, I would not do so on the day of uncertainty.

It has been narrated that when a group said to Ibn ‘Umar: we fast before Ramadaan as a precaution, he said: fast with the community. He has also

said: you must not fast in advance.

The prophet (may Allaah send salutations upon him) has said: (fast and break your fast upon the sighting of the crescent. If it is obscured, then consider the month thirty days long).

This has also been said by 'Alee Bin Abee Taalib and Ibn Mas'ood.

These statements may contradict preceding statements, but they are preferable since they conform with prophetic tradition. However, if there is no contradiction, it could be said that the companions fasted as a precaution and not as an obligation. This is a more harmonious approach, and it prevents one from differentiating between two days which are equally dubious and does not compel one to believe that Ramadaan has begun despite his suspicion, and Allaah knows best.

It was his practice to command the people to fast upon the testimony of one man and to the break their fast upon the testimony of two men.

If two witnesses sighted the crescent after the time of 'eed, he would command the people to break their fast and to perform the 'eed prayer the following day.

His Guidance Concerning The Breaking Of The Fast

He would break fast without delay and would eat a pre-dawn meal, and he encouraged others to do so as well. He also encouraged them to break fast with dates, or to do so with water if dates were unavailable.

As for dates, a sweet substance consumed on an empty stomach aids digestion. As for water, the liver becomes dehydrated due to fasting, so once water is consumed, it may benefit from the food which is digested afterward. This is why one who is hungry and thirsty should begin with dates and water before eating, and their positive effect upon the heart is known only to physicians.

He would break fast with water and dates before prayer.

It has been narrated that he would say when breaking fast: (O Allaah, I have fasted for you and I break fast with your sustenance). Narrated by Aboo Daawud.

(the veins have been tried and there is no more thirst, though the reward will remain if Allaah has willed). Narrated by Aboo Daawud.

It has also been narrated that he has said: (the supplication of one who breaks fast is not rejected). Narrated by Ibn Maaja.

(as the night advances and the day retreats, the fast is broken). This means that the fast is broken regardless of intention.

He forbade verbal abuse, and he ordered one to say if insulted: (I am fasting).

It has been said that one should do so with his tongue, and this is most apparent. It has been said that one should do so with his heart to remind

himself that he is fasting, and it has been said that one should do so with his tongue during an obligatory fast, and that one should do so with his heart during a voluntary fast to avoid pretension.

His Fasting And Breaking Of The Fast While En Route

The messenger of Allaah (may Allaah send salutations upon him) would fast and break his fast while en route, and he allowed the companions to do so as well. However, he commanded them to break fast when approaching the enemy in order to wage combat.

As for an army which meets the enemy at home, Ibn Taymiyya has held that they may break their fast, and he issued this ruling when the enemy reached Damascus.

It is undoubtedly more appropriate to break fast due to combat, because combat is more difficult and beneficial than travel, and Allaah the most high has said: **{prepare whatever might you are able}** [Al Anfaal/60].

﴿وَأَعِدُّوا لَهُمْ مَا اسْتَطَعْتُمْ مِنْ قُوَّةٍ﴾ [الأنفال: 60]

The prophet (may Allaah send salutations upon him) has interpreted this might as being archery, and this requires strength. In addition, he said to the companions once they approached the enemy: (you have approached your enemy, and breaking your fast will increase your strength, so do so).

Legal wisdom necessitates that it is more appropriate to break fast due to combat, and the objective has been identified. 'Eesa Bin Yoonus has narrated the 'Amr Bin Deenaar has said: I have heard Ibn 'Umar say: the messenger of Allaah (may Allaah send salutations upon him) said to his companions on the day of conquest: (this is a day of combat, so break your fast). As for travel itself, the messenger of Allaah (may Allaah send salutations upon him) has said: (it is a concession from Allaah, so one may fast or break his fast).

'Umar Bin Al Khattaab has said: we broke our fast when traveling with the messenger of Allaah (may Allaah send salutations upon him) during Badr and Al Fath.

He did not stipulate a minimum distance required in order to break fast when traveling, and there are no reliable narrations in this regard.

The companions would break fast upon departure whether or not they had passed the homes of their locale, and Muhammad Bin Ka'b has said: I came to Anas Bin Maalik as he prepared for travel during Ramadaan. He then asked for food and began to eat, so I asked him: is this a prophetic tradition? He replied yes and departed. At Tirmidhee has said: an authentic (hasan) prophetic tradition. Ad Daaraqutnee has said: he ate as sunset approached.

Kissing While Fasting

It was his practice to bathe due to major impurity once dawn had arrived,

and he would kiss some of his wives while fasting.

He compared a kiss while fasting to rinsing the mouth during ablution. As for the narration of 'Aa'isha which states that the prophet (may Allaah send salutations upon him) would tongue kiss her while fasting, some have declared it unreliable.

As for the narration of Maymoona who has said: the prophet (may Allaah send salutations upon him) was questioned about a fasting man who kissed his fasting wife, and he replied: (he has broken his fast) , it is unreliable. Ad Daaraqutnee has said: this is not established. Al Bukhaaree has said: I do not narrate this.

It has not been verified that he distinguished between the young and old. However, it has been narrated that Aboo Hurayra has said: a man questioned the prophet (may Allaah send salutations upon him) about kissing while fasting, and he allowed it, then another man questioned him, and he forbade it. The first man was old and the second man was young.

One Who Eats Or Drinks Unintentionally

He would not judge a person who ate or drank unintentionally, because it is Allaah the glorified who provides food and drink. Consequently, he is not responsible. This also applies to one who eats or drinks while asleep.

What Breaks Fast

The fast is broken due to eating, drinking, cupping, vomiting, and sexual intercourse. However, it has not been verified that using antimony breaks the fast.

He would use siwaak while fasting.

Ahmad has mentioned that he would pour water over his head three times while fasting.

He would rinse his mouth and inhale water while fasting, though he prohibited that one inhale an excess amount of water while fasting.

Ahmad has said that it has not been verified that he would engage in cupping while fasting.

Al Athram has said: I said to Aboo 'Abdillaah: Muhammad Bin Mu'aawiyah An Naysabooree, Aboo 'Awwaana, As Suddee, and Anas have narrated that the prophet (may Allaah send salutations upon him) engaged in cupping while fasting, so he denied this. Afterward, he asked: As Suddee and Anas? I replied: yes, and he was astonished.

As for the following narration: (the fast of the practitioner and recipient of cupping is broken) , Ahmad has said: it has not been established.

Similarly, it has not been verified that he prohibited the use of siwaak while fasting. In fact, the opposite has been narrated: (siwaak is one of the best practices of fasting). Narrated by Ibn Maaja. However, this narration is unreliable.

The Use Of Antimony While Fasting

It has been narrated that he used antimony while fasting, though this narration is unreliable.

It has been narrated that he said about antimony: (one who is fasting should avoid it) , though this narration is unreliable.

His Guidance Concerning Voluntary Fasting

He would fast until it was said that he would not cease, and he would cease until it was said that he would not fast.

He would fast the most during Sha'baan.

A month would not pass without him fasting, but he would not fast for three consecutive months like some people do. In addition, he would not fast for the duration of Rajab, and he prohibited this as Ibn Maaja has mentioned.

He would fast on Mondays and Thursdays and would not neglect to do so on the thirteenth, fourteenth, and fifteenth of every month, even when traveling as An Nasaa'ee has mentioned.

'Aa'isha has said: he would fast irrespective of the month. Narrated by Muslim.

As for the tenth of Dhool Hijja, there is a discrepancy. 'Aa'isha has said: I never saw him fasting on the tenth. Narrated by Muslim.

Hafsa has said: the messenger of Allaah (may Allaah send salutations upon him) would not neglect four: fasting on the day of 'Aashooraa, fasting on the tenth, fasting three days per month, and the voluntary dawn prayer. Narrated by Ahmad.

Some of the wives of the prophet (may Allaah send salutations upon him) have narrated that he would fast on the ninth of Dhool Hijja, the day of 'Aashooraa, three days per month, and Mondays and Thursdays. Narrated by Ahmad.

An affirmative narration is more preferable than a negative narration if it is reliable.

As for fasting six days of Shawwaal, he has said: (to fast for Ramadaan and six days of Shawwaal is to fast for a lifetime).

As for fasting on the day of 'Aashooraa, when the prophet (may Allaah send salutations upon him) reached Al Madeena and discovered that the Jews fasted on this day, he said: (we are more entitled to Moosa than them). He then ordered that fasting be observed on this day, but this was before the fast of Ramadaan was imposed. However, once the fast of Ramadaan was imposed, he said: (one may or may not perform this fast).

Some have asked: how could Ibn 'Abbaas have said that the messenger of Allaah (may Allaah send salutations upon him) fasting on the day of 'Aashooraa when he reached Al Madeena in the month of Rabe' Al Awwal?

'Aa'isha has said: the Quraysh would fast on the day of 'Aashooraa and

so would the prophet (may Allaah send salutations upon him). Once he migrated to Al Madeena, he imposed this fast, though once Ramadaan was imposed, he said: (one may or may not perform this fast). Narrated by Al Bukhaaree and Muslim.

Al Ash'ath Bin Qays came to 'Abdullaah Bin Mas'ood while he was eating and asked: is this not the day of 'Aashooraa? He replied: do you know what the day of 'Aashooraa is? He asked: what is it? He replied: the messenger of Allaah (may Allaah send salutations upon him) would fast on this day before the advent of Ramaadan, though he neglected to do so afterward. Narrated by Al Bukhaaree and Muslim.

Ibn 'Abbaas has narrated that when the messenger of Allaah (may Allaah send salutations upon him) imposed the fast of 'Aashooraa, others said: O messenger of Allaah (may Allaah send salutations upon him), this day is honored by Jews and Christians. Consequently, he said: (we will fast on the ninth next year if Allaah has willed). Narrated by Muslim.

It has been narrated that he imposed this fast upon reaching Al Madeena and it has been narrated that he imposed this fast one year before his death.

Ibn Mas'ood has narrated that fasting on the day of 'Aashooraa was replaced with fasting during Ramadaan, but this contradicts the narration of Ibn 'Abbaas. In addition, it cannot be said that this fasting was imposed, because Mu'aawiya Bin Abee Sufyaan has said: I have heard the messenger of Allaah (may Allaah send salutations upon him) say: (today is 'Aashooraa and I am fasting, though Allaah has not obliged you to do so). Narrated by Al Bukhaaree and Muslim.

Mu'aawiya heard this after the conquest.

Ibn 'Abbaas has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (we will fast on the ninth next year if Allaah has willed). However, when Al Hakam Bin Al A'raj asked him about this fast, he replied: it begins when the crescent of Muharram is sighted.

This fasting may have been obligatory during the beginning of Islaam, though the prophet (may Allaah send salutations upon him) did not order the performance of a missed fast. Conversely, it may not have been obligatory, but he commanded one who ate to continue fasting, and this is done during an obligatory fast. As a result, Ibn Mas'ood could not have narrated that this fasting was replaced with Ramadaan while remaining desirable.

Ibn 'Abbaas has narrated that the prophet (may Allaah send salutations upon him) performed this fast on the ninth, but he has also said: the messenger of Allaah (may Allaah send salutations upon him) commanded us to perform the fast of 'Aashooraa on the tenth. Narrated by At Tirmidhee.

He observed the Jews fasting on the day of 'Aashooraa when he reached Al Madeena, but not on the date of his arrival, because he arrived in Rabee' Al Awwal. However, if the Jews fasted according to the solar and not the

lunar calendar, then the day Allaah saved Moosa would have been the day the prophet (may Allaah send salutations upon him) arrived.

One may ask: what makes you believe that Moosa fasted on this day?

When the messenger of Allaah (may Allaah send salutations upon him) questioned the Jews about their fasting, they replied: on this great day Allaah saved Moosa and his people and destroyed Fir'awn and his people, so Moosa fasted as an act of gratitude, and so do we. As a result, the messenger of Allaah (may Allaah send salutations upon him) said: (we are more entitled to Moosa than them) and imposed this fast.

The messenger of Allaah (may Allaah send salutations upon him) neglected the fast of 'Aashooraa once Ramadaan was imposed, though he would not have done so had not the fast of 'Aashooraa been obligatory. Nevertheless, it remained desireable, and he said a year before his death: (if I live until next year, I shall fast on the ninth) (oppose the Jews and fast a day beforehand or a day afterward).

In the beginning, he would conform with the people of the book in the absence of an opposing injunction.

One who holds that this fast was not obligatory must say that it is no longer desireable, or that 'Abdullaah Bin Mas'ood did not know that it was desireable, but this is highly unlikely. Reason being, the prophet (may Allaah send salutations upon him) encouraged the companions to fast on this day, and they did so until his death. As a result, it remained obligatory and not desireable.

If one says that the prophetic tradition of Mu'aawiya states that this fast was never obligatory, one should say that it states that it is no longer obligatory.

It could be said that the prophet (may Allaah send salutations upon him) negated that this fast was imposed in the Qur'aan, because Allaah informs his servants of his injunction as he did when he said: **{O you who believe, fasting has been prescribed for you as it was for those before you so that you may be reverent}** [Al Baqara/183].

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ مِن

قَبْلِكُمْ لَعَلَّكُمْ تَتَّقُونَ ﴿١٨٣﴾ [البقرة: 183]

Consequently, there is no contradiction between this injunction and the previous injunction which was abrogated. This is clarified by the fact that Mu'aawiya was informed of this after the conquest of Makka, and that this fast was imposed before that during the second year of migration.

Unless this approach is used, all prophetic traditions in this regard will conflict.

If one asks how this fast could have been obligatory when a nightly

intention was not required although it was said: (there is no fasting without a nightly intention) , one should say that this could be a statement of 'Aa'isha or Hafsa and not the prophet (may Allaah send salutations upon him). However, if this is a statement of the prophet (may Allaah send salutations upon him) , he obviously would have made it when Ramadaan was imposed.

A daily intention was sufficient for the fast of 'Aashooraa before Ramadaan was imposed. Thereafter, the fast of 'Aashooraa was no longer obligatory and a nightly intention was necessary.

The companions of Aboo Haneefa hold that the fast of 'Aashooraa was obligatory and was replaced with Ramadaan while a daily intention remained sufficient.

It could be said that since 'Aashooraa is known by day, a nightly intention is impossible. Some have said that if it is proven by day that the crescent has been sighted, one may intend to fast at that time. This is the approach of our teacher, and it is the most harmonious. Furthermore, the prophet (may Allaah send salutations upon him) did not order those who faced the previous qibla to repeat their prayer, because they were unaware that they were facing the wrong direction. Similarly, if one was unaware that he was obliged to fast, he does not remain obliged to do so. In addition, it could not be said that he neglected the obligatory nightly intention, because he was unaware.

The messenger of Allaah (may Allaah send salutations upon him) has said: (if I live until next year, I shall fast on the ninth) , though he died. However, Ibn 'Abbaas has said: the messenger of Allaah (may Allaah send salutations upon him) would fast on the ninth, but there is no contradiction, because he may have done so while saying what he would do if he lived until next year.

Ibn 'Abbaas did not say that 'Aashooraa was on the ninth. Rather, he told a questioner to fast that day, because the questioner already knew that 'Aashooraa was on the tenth. He has also narrated that the prophet (may Allaah send salutations upon him) would fast on the ninth and tenth, so either this practice is superior, or the prophet (may Allaah send salutations upon him) intended to fast as such in the future. In addition, it was Ibn 'Abbaas who has narrated the following: (fast a day beforehand and a day afterward) , and it is he who has said: the messenger of Allaah (may Allaah send salutations upon him) commanded us to perform the fast of 'Aashooraa on the tenth.

To fast a day beforehand and a day afterward is better than fasting on the ninth and tenth, and to fast on the ninth and tenth is better than fasting on the tenth. However, a lack of understanding and analysis has led to fasting on the ninth.

Some scholars have taken another approach and have said: it appears that the people of the book should be opposed, and this could be done by fasting on the ninth instead of the tenth, or by fasting on the ninth as well as the tenth. As for his statement: (we will fast on the ninth next year) , it does not negate both options, but the messenger of Allaah (may Allaah send salutations upon him) died before his intent could become clear. As a result, fasting should be observed on both days as a precaution.

The narrations of Ibn ‘Abbaas illustrate that our approach is correct, and Allaah knows best.

Fasting On The Day Of ‘Arafa

It was his practice not to fast on the day ‘Arafa in ‘Arafa as is narrated in Al Bukhaaree and Muslim. It has also been narrated in the Sunan that he forbade fasting on the day of ‘Arafa in ‘Arafa.

It has been narrated in Muslim that fasting on the day of ‘Arafa is an expiation for the previous and following years.

The benefits of breaking fast in ‘Arafa are as follows:

Breaking fast gives one the strength to supplicate.

It is preferred to break an obligatory fast while traveling, not to mention a voluntary one.

The day was Jumu’a when he forbade fasting in ‘Arafa, and he forbade fasting on Jumu’a specifically. Consequently, he desired that fast be broken to affirm his prohibition.

Our teacher has taken another approach, namely that this is a day of celebration for the people of ‘Arafa, and the prophet (may Allaah send salutations upon him) has said: (the days of ‘Arafa and Mina are a celebration for us).

His Guidance Concerning Fasting On Saturday And Sunday

It has been narrated that he often fasted on Saturdays and Sundays intending to oppose the Jews and Christians, and Kurayb has said: Ibn ‘Abbaas and some other companions sent me to Umm Salama to ask her which days did the messenger of Allaah (may Allaah send salutations upon him) fast on the most. She said: Saturday and Sunday, and he would say: (it is a time of celebration for the polytheists, thus I wish to oppose them).

As Samaa has narrated that the prophet (may Allaah send salutations upon him) has said: (do not fast on Saturday unless you are obliged to do so). Narrated by Ahmad and Aboo Daawud.

There is a discrepancy concerning the previous two narrations. Maalik has said: this is a lie, i. e. the narration of As Samaa. At Tirmidhee has said: it is an authentic (hasan) prophetic tradition. Aboo Daawud has said: this prophetic tradition is abrogated. An Nasaa’ee has said: it is an unreliable

narration. However, some scholars have said that there is no contradiction between the narrations of Umm Salama and As Samaa, because it is fasting on Saturday specifically which is prohibited. In addition, Aboo Daawud has said: Chapter: The Unlawfulness Of Fasting On Saturday Specifically. Similarly, the prophet (may Allaah send salutations upon him) forbade that one fast on Friday without doing so a day beforehand or a day afterward. Consequently, one could only resemble the people of the book if he fasted on Saturday without fasting a day beforehand or afterward, because a day is honored in this fashion, and Allaah knows best.

His Ban On Perpetual Fasting

It was not his practice to fast continuously. Rather, he has said: (one who fasts continuously does not fast or break his fast). However, the prohibited days have not been intended, because this would not be said about an unlawful fast.

The prohibited days are similar to nights, thus the companions would not ask about fasting during these days. Furthermore, he would not respond by saying: (one who fasts continuously does not fast or break his fast) , because this does not express prohibition.

It was undoubtedly his teaching that it is better to fast every other day than it is to fast continuously. Otherwise, the reverse would hold true, but he has said: (the dearest fast to Allaah is the fast of Daawud) , and it is impossible that the former and latter are equal. Consequently, the only possibility which remains is that continuous fasting is permissible, but this is also impossible.

One may say: the prophet (may Allaah send salutations upon him) has said: (to fast Ramadaan and six days of Shawwaal is like a continuous fast) , and he said about one who fasts three days a month: (that equals a continuous fast). As a result, continuous fasting is greater. However, this comparison does not necessitate permissibility, much less desirability. Rather, it necessitates a similar reward.

The prophet (may Allaah send salutations upon him) has said that fasting three days a month is the equivalent of a continuous fast, because a good deed is equal to ten which are similar. This necessitates that the reward of 360 days of fasting is granted. This also applies to fasting for six days of Shawwaal. Similarly, when he was questioned about a deed equal to armed struggle, he asked: (once a soldier departs, could you fast and pray continuously) ? It is impossible for one to fast and pray continuously and it is unlawful for one to fast for 360 consecutive days, rather a comparison has been made.

One may ask: what do you say about the following narration of Aboo Moosa Al Ash'aree: (if one fasts continuously, hell will converge upon him) ? Narrated by Ahmad.

Some have said that hell will converge upon him due to his severity and his belief that his practice was better than the practice of the messenger of Allaah (may Allaah send salutations upon him). Others have said: rather, hell will constrict. They have supported their interpretation by saying that since he narrowed the paths of desire through fasting, Allaah compressed the fire.

The first group has said that if this was the intent of the prophet (may Allaah send salutations upon him), he would have said: hell will constrict. Otherwise, he would be inside the fire. They say that this interpretation conforms with prophetic traditions which state that continuous fasting is disliked and that one who does so is like one who has not fasted, and Allaah knows best.

His Guidance Concerning Voluntary Fasting And Intention

It was his practice to ask his family: (do you have anything) ? If they replied: no, he would say: (then I am fasting). As a result, one may intend by day to fast voluntarily.

He would occasionally intend to fast voluntarily and would break fast thereafter, and 'Aa'isha has narrated both practices. The former appears in Muslim and the latter appears in An Nasaa'ee.

As for the following narration of 'Aa'isha which appears in the Sunan, it is unreliable: Hafsa and I were fasting and then we ate. Afterward, the messenger of Allaah (may Allaah send salutations upon him) arrived, and she beat me to him. She said: O messenger of Allaah, we were fasting, but we were offered food which we craved, so we ate it. He said: (fast for a day).

Al Bukhaaree has said: it is not a proof.

He would also continue fasting amongst others, and Aboo Hurayra has narrated that he has said: (if you are invited to eat while fasting, say: I am fasting).

As for the following narration of Ibn Maaja, At Tirmidhee, and Al Bayhaquee: (one must not fast amongst others without seeking their permission), At Tirmidhee has said: we know of none who is reliable who has narrated this tradition via Hishaam Bin'Urwa.

He disliked that one fast on Jumu'a specifically, and Jaabir Bin 'Abdillaah, Aboo Hurayra, 'Abdullaah Bin 'Amr, and others have narrated that he has prohibited this practice. In fact, he drank upon minbar on Jumu'a to show the people that he was not fasting. Narrated by Ahmad.

It has been said that it is prohibited to fast on Jumu'a specifically, because it is a day of celebration, and Aboo Hurayra has said: the messenger

of Allaah (may Allaah send salutations upon him) has said: (Jumu'a is a day of celebration, so do not make it a day of fasting unless you fast a day beforehand or a day afterward). Narrated by Ahmad.

One may say: 'Abdullaah Bin Mas'ood has said: I have never seen the messenger of Allaah break fast on Jumu'a.

If this narration is reliable, we accept it. However, it should be said that he fasted a day beforehand or afterward.

His Guidance Concerning I'tikaaf

Since excessive eating, drinking, speaking, sleeping, and intermingling divert the heart as it proceeds unto Allaah, his mercy necessitated the prescription of an act of worship beside fasting which could purge the heart of all impediments, though without threatening worldly interests.

Allaah has prescribed i'tikaaf which is essentially to forsake creation for the sake of the creator, and since this objective is attained while fasting, i'tikaaf is observed during the last ten days of Ramadaan which are the greatest.

It has never been narrated that the prophet (may Allaah send salutations upon him) broke fast during i'tikaaf. Rather, 'Aa'isha has said: there is no i'tikaaf without fasting.

The majority of the early believers have held that fasting is a prerequisite of i'tikaaf, and Shaykhul Islaam Aboo Al 'Abbaas Bin Taymiyya has chosen this view.

As for speech, one should not speak about anything which will not benefit him in the afterlife.

As for excessive sleeping, the night prayer has been prescribed in moderation.

The prophet (may Allaah send salutations upon him) engaged in i'tikaaf during the final ten days of Ramadaan after discovering that this is when the night of power is expected, and he maintained this practice until death. However, he once engaged in i'tikaaf during Shawwaal and during the beginning and middle of Ramadaan.

He would sit in the seclusion of a tent while worshipping his lord.

He would engage in i'tikaaf for ten days a year, though he did so for twenty days during the final year of his life.

Jibreel would recite the Qur'aan with him once a year, though he did so twice during the final year of his life.

He would not return home without necessity, and he would place his head inside the home of 'Aa'isha so that she could wash and groom him.

Some of his wives would visit him, though he never made contact with them.

He would exit due to necessity and would ignore the ill whom he passed,

this is the spirit of i'tikaaf. As for those who receive guests, they are ignorant and oppose the objective of i'tikaaf.

The Book Of Hajj And 'Umra

He performed 'umra four times after the migration, and each 'umra was performed during the month of Dhool Qa'da.

He performed the 'umra of Al Hudaybiya during the sixth year, but the polytheists prevented him from reaching the house, so he performed a sacrifice and he and his companions shaved their heads and returned.

He performed the 'umra of al qadiyya the following year spending three days in Makka. Some say that he performed this 'umra because the previous 'umra remained outstanding, and others disagree. It has been narrated that Ahmad held both views.

Aboo Haneefa held that the previous 'umra remained outstanding.

Maalik held that the previous 'umra did not remain outstanding, and this is the most accurate view, because the messenger of Allaah (may Allaah send salutations upon him) did not command that this 'umra be performed again.

He performed hajj and 'umra together.

He performed 'umra departing from Al Ji'raana where he went to Hunayn and returned to Makka.

Anas Bin Maalik has said: the messenger of Allaah (may Allaah send salutations upon him) performed 'umra four times, and each 'umra was performed during Dhool Qa'da, except for the 'umra which accompanied hajj. Narrated by Al Bukhaaree and Muslim.

Al Baraa Bin 'Aazib has said: the messenger of Allaah (may Allaah send salutations upon him) performed 'umra twice during the month of Dhool Qa'da before performing hajj. Narrated by Al Bukhaaree and Muslim.

This does not contradict what has preceded, because the separate 'umra was intended. As for the 'umra of Al Hudaybiya, it could not be completed. This is why Ibn 'Abbaas has said: the messenger of Allaah (may Allaah send salutations upon him) performed 'umra four times: the 'umra of Al Hudaybiya, the 'umra of al qadiyya, the 'umra of Al Ji'raana, and the 'umra which accompanied hajj. Narrated by Ahmad.

The narration of Anas does not contradict the narrations of 'Aa'isha and Ibn 'Abbaas, because the qiraan 'umra began in Dhool Qa'da and ended with hajj in Dhool Hijja. Consequently, 'Aa'isha and Ibn 'Abbaas narrated the beginning of 'umra while Anas narrated the end of it.

As for the following statement of 'Abdullaah Bin 'Umar, he was mistaken: the prophet (may Allaah send salutations upon him) performed 'umra four times, and once he performed 'umra during Rajab. When 'Aa'isha was informed of this, she said: may Allaah have mercy upon Aboo

'Abdir Rahmaan, he witnessed every 'umra of the messenger of Allaah (may Allaah send salutations upon him) , and he never performed 'umra during Rajab.

As for the following narration of 'Aa'isha: I performed 'Umra with the messenger of Allaah in Ramadaan..., it is incorrect. The messenger of Allaah (may Allaah send salutations upon him) never performed 'umra in Ramadaan. In fact, 'Aa'isha has said: the messenger of Allaah (may Allaah send salutations upon him) only performed 'umra during Dhool Qa'da. Narrated by Ibn Maaja.

He would have performed 'umra six times had he did so during Rajab and Ramadaan, but there is no discrepancy that he only did so four times.

'Aa'isha has narrated that the prophet (may Allaah send salutations upon him) performed 'umra during Shawwal, though she may have meant that he left to perform the 'umra of Al Ji'raana. Nevertheless, he entered ihraam in Dhool Qa'da.

Although he resided in Makka for thirteen years after the first revelation, it has not been narrated that he left to perform 'umra, and the only person who did so during his lifetime was 'Aa'isha.

He entered Makka five times after the first revelation, though he was stopped at Al Hundaybiya the first time.

He entered ihraam at Dhool Hulayfa during the year of Al Hundaybiya, and he spent three days there upon his return.

He entered Dhool Hulayfa a third time during Ramadaan in the year of the conquest without entering ihraam. Afterward, he went to Hunayn and returned by night. However, he did not leave Makka to go to Al Ji'raana like the people of Makka do today.

He performed 'umra during the months of hajj to oppose the polytheists who detested this practice. This undoubtedly proves that it is better to perform 'umra during the months of pilgrimage than it is to perform 'umra during Rajab.

As for performing 'umra during Ramadaan, he ordered Umm Ma'qal to do so since she did not perform hajj with him, and he informed her that performing 'umra during Ramadaan is like performing hajj.

When 'umra is performed during Ramadaan the best time and place coincide. However, Allaah has reserved the months of hajj for 'umra, and 'umra is the minor hajj. As a result, this is the most appropriate time for 'umra.

Some say that the messenger of Allaah (may Allaah send salutations upon him) was engaged in worship more important than 'umra during Ramadaan, thus he delayed 'umra until the months of pilgrimage, and this was a mercy lest the nation struggle to perform 'umra while fasting. In fact, the messenger of Allaah (may Allaah send salutations upon him) neglected a

great deal of worship fearing that the nation would struggle to emulate him.

After entering the house, he returned sorrowful. As a result, 'Aa'isha questioned him and he replied: (I fear that I have burdened my nation).

He did not perform 'umra more than once a year, though some believe that he did so twice in one year. They rely upon the narration of 'Aa'isha which appears in the Sunan of Aboo Daawud that states that he performed 'umra during Dhool Qa'da and Shawwaal.

Rather, he performed the 'umra of Al Hudaibiya in Dhool Qa'da, then he performed the 'umra of al qadiyya in Dhool Qa'da the following year. Once he returned from the victorious battle of Hunayn, he performed 'umra again, and that was in Dhool Qa'da. However, he did not perform 'umra during Shawwaal. Rather, he met the enemy during Shawwaal, and those who study his biography do not question this.

One may ask: if it has not been verified that the prophet (may Allaah send salutations upon him) performed 'umra more than once, how could this be desirable?

There is a discrepancy concerning this issue, Maalik has said: I dislike that one perform 'umra more than once a year, though his companion Mutrif has disagreed saying: it is not wrong to perform 'umra more than once a year.

The majority hold that it has not been prohibited to perform 'umra more than once a year. However, Aboo Haneefa has held that 'umra should not be performed during the days of Mina or 'Arafa. Whereas, Aboo Yoosuf has excluded the days of Mina.

It has been narrated that 'Alee performed 'umra more than once a year, and the prophet (may Allaah send salutations upon him) has said: (a subsequent 'umra is an expiation). Furthermore, 'Urwa has narrated that 'Aa'isha has said: we accompanied the prophet (may Allaah send salutations upon him) during the farewell pilgrimage, though I began to menstruate. As a result, the messenger of Allaah (may Allaah send salutations upon him) commanded me to postpone my 'umra and to begin hajj. Once I completed it, he sent 'Abdur Rahmaan Bin Abee Bakr and I to At Tan'eem and I performed 'umra. Narrated by Muslim.

This states that she remained in ihraam until hajj.

The prophet (may Allaah send salutations upon him) has said: (a subsequent 'umra is an expiation and the reward of an accepted hajj is paradise). If 'umra could only be performed once a year like hajj, he would not have made a distinction.

It is agreed upon that he only performed hajj once after his migration, and this was the farewell pilgrimage which he performed in the tenth year.

It is not agreed upon that he performed hajj before his migration. However, Jaabir Bin 'Abdillaah has said: the prophet (may Allaah send

salutations upon him) performed hajj two times before he migrated and once afterward.

Once hajj was imposed in the ninth or tenth year, the messenger of Allaah (may Allaah send salutations upon him) did not delay.

Although the following verse was revealed in the sixth year: **{complete hajj and ‘umra for Allaah}** [Al Baqara/196].

﴿وَاتِمُوا الْحَجَّ وَالْعُمْرَةَ لِلَّهِ﴾ [البقرة: 196]

It does not indicate that hajj is obligatory. Rather, it indicates that hajj and ‘umra must be completed.

One may ask: what makes you believe that hajj was imposed in the ninth or tenth year?

When the following verse was revealed, the merchants of Makka suffered a loss: **{O you who believe, the polytheists are vile, so they may not approach the sacred masjid after this year. If you fear poverty, Allaah will grant you wealth if he pleases, and he is knowing and wise}** [At Tawba/28].

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْمُشْرِكُونَ نَجَسٌ فَلَا يَقْرَبُوا الْمَسْجِدَ الْحَرَامَ بَعْدَ عَامِهِمْ هَذَا وَإِنْ

خِفْتُمْ عَيْلَةً فَسَوْفَ يُغْنِيكُمُ اللَّهُ مِنْ فَضْلِهِ إِن شَاءَ إِنَّ اللَّهَ عَلِيمٌ حَكِيمٌ﴾ [التوبة: 28]

Consequently, Allaah imposed a tax upon the polytheists during the ninth year, and the prophet (may Allaah send salutations upon him) commanded Aboo Bakr to announce this during the hajj season.

What we have just mentioned has been said by a group of early believers, and Allaah knows best.

His Announcement Of Hajj

When the prophet (may Allaah send salutations upon him) informed the people that he decided to perform hajj, the news spread throughout the city. Thereafter, he was met by multitudes of people who wished to accompany him.

He delivered a sermon concerning the state of ihraam before leading the afternoon prayer, and this was during the month of Dhool Qa'da.

Ibn Hazm has said: he departed on Thursday, but it appears that he did so on Saturday.

Ibn Hazm has said: Ibn ‘Umar has stated that the day of ‘Arafa was on a Friday which was the ninth of Dhool Hijja, thus the final day of Dhool Qa'da was a Wednesday. As a result, if he departed six days before the end of Dhool Qa'da, then he did so on a Thursday.

We say that it has been stated that he departed five days before the end of Dhool Qa'da, thus he departed on a Saturday. However, he would have left seven days before the end of Dhool Qa'da according to the statement of Ibn

Hazm, though if the day of his departure is not counted, or if nights are considered, he would have departed six days before the end of Dhool Qa'da.

It appears that he delivered his sermon on Jumu'a, because it was not announced. In addition, it was his practice to teach whenever necessary, and the best time to do so would be Jumu'a which preceded his departure.

Once Aboo Muhammad Bin Hazm realized that his statement did not conform with the statement of Ibn 'Abbaas, he said that the prophet (may Allaah send salutations upon him) left Dhool Hulayfa five days before the end of Dhool Qa'da. He said that since Dhool Hulayfa is only four miles from Al Madeena, his departure from that point was not considered, and in light of this, all narrations agree. He said: had he departed Al Madeena five days before the end of Dhool Qa'da, he would have undoubtedly departed on Jumu'a. However, this is erroneous, because Anas mentioned that they performed the afternoon prayer with him in Al Madeena.

He then mentioned that the messenger of Allaah (may Allaah send salutations upon him) preferred to depart on Thursdays. As a result, he denied that he departed on Jumu'a due to the narration of Anas, and he denied that he departed on Saturday, because he did, he would have done so four days before the end of Dhool Qa'da.

As for the statement of Muhammad Ibn Hazm: had he departed Al Madeena five days before the end of Dhool Qa'da, he would have undoubtedly departed on Jumu'a, it is not necessarily true. Rather, he could have departed five days before the end of Dhool Qa'da on a Saturday.

As for the narration of Ka'b, it does not indicate that he only departed on Thursdays. Rather, it indicates that this was his usual practice, and he certainly did not proceed to battle on Thursdays exclusively.

As for his statement: had he departed on Saturday, he would have done so four days before the end of Dhool Qa'da, he could not have done so at all.

He lead the afternoon prayer in his masjid and then prepared for departure. He performed the late afternoon prayer which he reduced upon reaching Dhool Hulayfa. He performed five prayers there including the afternoon prayer, and all of his wives were present. He reached all of them that night and then he bathed. However, he bathed a second time to enter ihraam, though Ibn Hazm and others have not mentioned this. Consequently, Ibn Hazm considered the second bath unverified or he forgot to mention it. Nevertheless, Zayd Ibn Thaabit has said that he saw the prophet (may Allaah send salutations upon him) bathe before entering ihraam. Narrated by At Tirmidhee. However, he would not perform two bowings of prayer because of ihraam. Rather, he would reduce the afternoon prayer.

We say that he entered ihraam intending a qiraan hajj due to the

following authentic narrations:

Ibn 'Umar has narrated that he joined hajj and 'umra performing one tawaaf for the former and latter, and then he said: this was the practice of the messenger of Allaah (may Allaah send salutations upon him). Narrated by Muslim.

Ibn 'Umar was asked how many times the messenger of Allaah (may Allaah send salutations upon him) performed 'umra, and he replied: twice. 'Aa'isha said: he knew that he performed 'umra twice not including the 'umra which accompanied hajj. Narrated by Aboo Daawud.

Jaabir Bin 'Abdillaah has narrated that the messenger of Allaah (may Allaah send salutations upon him) performed pilgrimage twice before migrating and once afterward where he joined hajj and 'umra. Narrated by At Tirmidhee.

Ibn 'Abbaas has said: the messenger of Allaah (may Allaah send salutations upon him) performed 'umra four times: the 'umra of Al Hudaybiya, the 'umra which he performed the following year, the 'umra of Al Ji'raana, and the 'umra which accompanied hajj. Narrated by Aboo Daawud.

'Umar Bin Al Khattaab has said: I heard the messenger of Allaah (may Allaah send salutations upon him) say in the valley: (my magnificent lord sent someone to me tonight who said: pray in this blessed valley and say: hajj and 'umra combined). Narrated Al Bukhaaree.

Mirwaan Bin Al Hakam has said: I was sitting with 'Uthmaan as he heard 'Alee uttering the talbiya of hajj and 'umra, so he asked: has not this been forbidden? He replied: it has, but I have heard the messenger of Allaah (may Allaah send salutations upon him) utter the talbiya as such, and I will not disregard what he has said. Narrated by An Nasaa'ee.

'Imraan Bin Husayn has said: I will tell you something which may benefit you. The messenger of Allaah (may Allaah send salutations upon him) combined hajj and 'umra and this was never prohibited. Narrated by Muslim.

'Abdullaah Bin Abee Qataada has narrated that his father has said: the messenger of Allaah (may Allaah send salutations upon him) combined hajj and 'umra because he would not perform hajj again.

Suraaqa Bin Maalik has said: the messenger of Allaah (may Allaah send salutations upon him) has said: I have heard the messenger of Allaah (may Allaah send salutations upon him) say: (hajj and 'umra will remain together until the day of resurrection). He said: the prophet (may Allaah send salutations upon him) performed the farewell pilgrimage as such. Narrated by Ahmad.

Aboo Talha Al Ansaaree has narrated that the messenger of Allaah (may Allaah send salutations upon him) joined hajj and 'umra. Narrated by

Ahmad, Ibn Maaja, and Ad Daaraqutnee.

Ibn Abee Awfa has said: the messenger of Allaah (may Allaah send salutations upon him) joined hajj and 'umra because he knew that he would not perform hajj again. Narrated by Al Bazaar.

Jaabir Bin 'Abdillaah has narrated that the messenger of Allaah (may Allaah send salutations upon him) joined hajj and 'umra performing one tawaaf for the former and latter. Narrated by Ahmad.

Muhammad Bin 'Abdillaah Bin Al Haarith Bin Nawfal Ibn Al Haarith Bin 'Abdil Muttalib has narrated that he heard Sa'd Bin Waqqaas and Ad Dahhaak Bin Qays discussing 'umra in advance, and this was the year that Mu'aawiya Ibn Sufyaan performed hajj. Ad Dahhaak said: only one unaware of the command of Allaah does this. Consequently, Sa'd said: you have said something terrible O my nephew. Ad Dahhaak said: 'Umar Bin Al Khatthaab has forbade this. Sa'd said: the messenger of Allaah (may Allaah send salutations upon him) did this and so did we. Narrated by At Tirmidhee and An Nasaa'ee. At Tirmidhee has said: an authentic (hasan saheeh) prophetic tradition.

'Aa'isha has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) during the farewell hajj where we entered ihraam to perform 'umra, then he said: (he who has a sacrifice must enter ihraam for hajj and 'umra, and he should not leave ihraam without doing so for the former and latter). Narrated by Maalik.

It has been held past and present that one who has a sacrifice is obliged to enter ihraam for hajj and 'umra and that one who does not have a sacrifice is obliged to perform 'umra in advance. 'Abdullaah Bin 'Abbaas and others have held that one is compelled to abide by the practice of the messenger of Allaah (may Allaah send salutations upon him) which he enjoined upon his companions. Consequently, it is incorrect to hold that 'umra may not be performed in advance under these circumstances.

Anas Bin Maalik has said: the messenger of Allaah (may Allaah send salutations upon him) lead the afternoon prayer in Al Madeena performing four bowings and performed the late afternoon prayer in Dhool Hulaifa performing two bowings. In the morning, he glorified Allaah while mounted, and then he entered ihraam for hajj and 'umra, and so did the people. Once we arrived, he ordered them to leave ihraam, and they returned to it on the eighth of Dhool Hijja. Narrated by Al Bukhaaree and Muslim.

Anas has said: I have heard the messenger of Allaah (may Allaah send salutations upon him) utter the talbiya of hajj and 'umra simultaneously. Bakr said: I told Ibn 'Umar that and he said: utter the talbiya of hajj only. When I told Anas what Ibn 'Umar said, he replied: I am nothing but a child to you! I have heard the messenger of Allaah utter the talbiya of hajj and 'umra simultaneously.

Anas and Ibn 'Umar were only a year apart, or a year and a few months.

Yahya Bin Abee Ishaaq, 'Abdul 'Azeez Bin Suhayb, and Hameed have narrated that they have heard Anas say: I have heard the messenger of Allaah (may Allaah send salutations upon him) utter the talbiya of hajj and 'umra simultaneously. Narrated by Muslim.

Asmaa has narrated that Anas has said: I have heard the prophet (may Allaah send salutations upon him) utter the talbiya of hajj and 'umra simultaneously. Narrated by An Nasaa'ee.

Anas has narrated that the prophet (may Allaah send salutations upon him) entered the ihraam of hajj and 'umra upon performing the afternoon prayer. Narrated by An Nasaa'ee.

One may say: 'Aa'isha has said: the messenger of Allaah (may Allaah send salutations upon him) entered ihraam for hajj. Narrated by Al Bukhaaree and Muslim.

Ibn 'Umar has said: he uttered the talbiya of hajj only. Narrated by Al Bukhaaree.

Ibn 'Abbaas has said: the messenger of Allaah (may Allaah send salutations upon him) entered ihraam for hajj. Narrated by Muslim.

Jaabir has said: he performed a separate hajj. Narrated by Ibn Maaaja.

Shaykhul Islaam has said: the truth of the matter is that most narrations in this regard agree. The companions have narrated that the prophet (may Allaah send salutations upon him) performed 'umra in advance. However, they believed that this 'umra included the combined 'umra.

'Aa'isha, Ibn 'Umar, Ibn 'Abbaas, and Anas have agreed that the prophet (may Allaah send salutations upon him) performed 'umra four times, but Ibn 'Umar believed that he once performed 'umra during Rajab. Nevertheless, they all said that he performed a separate hajj, and only Ibn 'Abbaas said otherwise, and they all said that he performed 'umra in advance, and only Anas said otherwise. Consequently, their statements do not contradict each other.

Many people believe that he performed hajj and then 'umra departing from At Tan'eem, but this is incorrect. This has not been said by any of the early believers or the scholars of law and prophetic tradition. In addition, he did not perform hajj without performing 'umra as some have said, because there are prophetic traditions which refute this. However, if one means that he only performed the acts of hajj, he is correct. This is what all prophetic traditions indicate.

If one says that he performed a combined hajj meaning that he performed two rites of hajj and 'umra separately, prophetic traditions refute his statement. However, if one means that he combined these two rites, prophetic traditions affirm his statement.

If one says that he performed 'umra in advance meaning that he left

ihraam afterward and returned to it for hajj, prophetic traditions refute his statement. If one says that he remained in ihraam because of his sacrifice, he is also mistaken. However, if one says that the 'umra which he performed in advance was a combined hajj, he is correct.

Those Who Have Misunderstood His 'Umra

Some have said that he performed 'umra during Rajab.

Some have said that he performed 'umra during Shawwaal.

Some have said that he performed 'umra after hajj departing from At Tan'eem.

Some have said that he did not perform 'umra while performing hajj.

Some have said that he left ihraam after performing 'umra and returned to it for hajj.

Those Who Have Misunderstood His Hajj

Some have said that he performed hajj without performing 'umra.

Some such as Al Qaadee Aboo Ya'laa and others have said that he performed 'umra and then hajj entering ihraam twice.

Some such as Aboo Muhammad Bin Qudaama the author of Al Mughnee and others have said that he performed hajj entering ihraam once because of his sacrifice, but without performing a combined hajj.

Some have said that he performed the two previously mentioned rights twice during hajj.

Some have said that he performed 'umra departing from At Tan'eem after performing hajj.

Those Who Have Misunderstood His Ihraam

Some have said that he continued to utter the talbiya of 'umra only.

Some have said that he continued to utter the talbiya of hajj only.

Some have said that he uttered the talbiya of the separate hajj and then combined 'umra with it. They have said that only he could do this.

Some have said that he uttered the talbiya of 'umra only and then combined hajj with it.

Some have said that he uttered a general talbiya which he specified after entering ihraam.

The truth of the matter is that he entered and left ihraam for hajj and 'umra simultaneously. As a result, he performed the two previously mentioned rights for hajj and 'umra once while bringing his sacrifice. This has been indicated by prophetic traditions which are widespread, and Allaah knows best.

What Has Caused The Previously Mentioned Misconceptions

As for those who have said that he performed 'umra during Rajab, 'Abdullaah Bin 'Umar has narrated that the prophet (may Allaah send

salutations upon him) performed 'umra during Rajab. Agreed upon.

However, Mujaahid has said: 'Urwa Bin Az Zubayr and I entered the masjid as 'Abdullaah Bin 'Umar sat facing the bedroom of 'Aa'isha. Meanwhile, the morning prayer was being performed. Consequently, we questioned him about their prayer and he replied: it is an innovation. We then asked: how many times did the messenger of Allaah (may Allaah send salutations upon him) perform 'umra? He replied: four times, and once he did so during Rajab. However, we were hesitant to respond.

We heard the mother of the believers in her bedroom, so 'Urwa asked: have you not heard what Aboo 'Abdir Rahmaan has said O mother of the believers? She asked: what has he said? He replied: he has said that the messenger of Allaah (may Allaah send salutations upon him) performed 'umra four times and did so once during Rajab. She said: may Allaah have mercy upon Aboo 'Abdir Rahmaan, he was present whenever he performed 'umra, but he never did so during Rajab. Narrated by Al Bukhaaree and Muslim.

Anas and Ibn 'Abbaas have also said that every 'umra which he performed was during Dhool Qa'da.

As for those who have said that he performed 'umra during Shawwaal, Hishaam Bin 'Urwa and his father have narrated that the messenger of Allaah (may Allaah send salutations upon him) performed 'umra three times, and that he did so twice during Dhool Qa'da and once during Shawwaal. Narrated by Maalik.

Hishaam or 'Urwa has made the same mistake that Ibn 'Umar has made.

'Aa'isha, Ibn 'Abbaas, and Anas Bin Maalik have said: the messenger of Allaah (may Allaah send salutations upon him) only performed 'umra during Dhool Qa'da, and this is correct. Rather, he departed Makka during Shawwaal to meet the enemy. After dividing the spoils of war, he entered Makka by night via Al Ji'raana performing 'umra in advance, and he left during the night. Consequently, many are unaware of this 'umra.

As for those who have said that he performed 'umra after hajj departing from At Tan'eem, not one person has narrated this. They may have heard that he performed a separate hajj and felt that he was obliged to go to At Tan'eem since he was not a resident.

As for those who have said that he did not perform 'umra while performing hajj, when they heard that he performed a separate hajj which they knew was not followed by 'umra, they said that he only performed 'umra beforehand. However, 'Aa'isha, Ibn 'Abbaas and Anas have stated that he once performed 'umra while performing hajj.

As for those who have said that he performed 'umra and left ihraam afterward, Ibn 'Umar, 'Aa'isha, 'Imraan Bin Husayn, and others have narrated that he performed 'umra in advance, and this does not negate that

he left ihraam. However, Mu'aawiya has narrated that he cut his hair at Marwa as appears in Al Bukhaaree and Muslim. This does indicate that he had left ihraam, and this could only have been during the farewell pilgrimage. Reason being, Mu'aawiya accepted Islaam after the conquest, and the prophet (may Allaah send salutations upon him) was not in ihraam at that time. In addition, this could not have been the 'umra of Al Ji'raana, because the following wording has also been narrated: and that was during his hajj.

This group has deduced from the narration which states that only he could perform 'umra in advance that a group of companions who brought sacrifices were allowed to leave ihraam. However, our teacher Aboo Al 'Abbaas and others have responded saying that whoever considers prophetic traditions in this regard will realize that the prophet (may Allaah send salutations upon him) nor those who brought sacrifices left ihraam.

What Has Caused People To Misunderstand His Hajj

As for those who have said that he did not perform 'umra while performing hajj, 'Aa'isha has said: we accompanied the prophet (may Allaah send salutations upon him) during the farewell pilgrimage. Some of us entered ihraam for hajj, others entered ihraam for hajj and 'umra, and the messenger of Allaah (may Allaah send salutations upon him) entered ihraam for hajj. Narrated by Al Bukhaaree and Muslim.

'Aa'isha has narrated that the messenger of Allaah (may Allaah send salutations upon him) entered ihraam for hajj. Narrated by Muslim.

Ibn 'Umar has narrated that the messenger of Allaah (may Allaah send salutations upon him) uttered the talbiya of hajj. Narrated by Al Bukhaaree.

Ibn 'Abbaas has narrated that the messenger of Allaah (may Allaah send salutations upon him) entered ihraam for hajj. Narrated by Muslim.

Jaabir has narrated that the messenger of Allaah (may Allaah send salutations upon him) performed a separate hajj. Narrated by Ibn Maaja.

Jaabir has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) intending hajj only. Narrated by Muslim.

'Urwa Bin Az Zubayr has said: after the messenger of Allaah (may Allaah send salutations upon him) performed hajj, 'Aa'isha informed me that he began by performing ablution and then tawaaf, but he did not perform 'umra. When Aboo Bakr performed hajj he began by performing tawaaf, but he did not perform 'umra. When 'Umar performed hajj he began by performing tawaaf, but he did not perform 'umra. When 'Uthmaan performed hajj he began by performing tawaaf, but he did not perform 'umra. When Mu'aawiya performed hajj he began by performing tawaaf, but he did not perform 'umra.

When 'Abdullaah Bin 'Umar performed hajj he began by performing

tawaaf, but he did not perform 'umra, and when Aboo Az Zubayr whom I accompanied performed hajj he began by performing tawaaf, but he did not perform 'umra... Narrated by Al Bukhaaree.

This group obviously has an excuse, but do they have an excuse in light of the following?

He has said: (I brought a sacrifice and performed a combined hajj).

'Alee Bin Abee Taalib who was one of the most familiar companions with him has narrated that he entered ihraam for hajj and 'umra simultaneously while uttering the talbiya for both the former and latter.

His wife Hafsa has narrated that he confirmed his ihraam for 'umra while intending hajj.

He has informed us that his lord commanded him to enter ihram for hajj and 'umra.

His companions have narrated that he joined hajj and 'umra, because he knew that he would not perform hajj again.

It has been narrated that he performed 'umra during hajj.

It has not been narrated that he has said: someone came to me from my lord commanding me to perform a separate hajj.

No one has said: I have heard him utter the talbiya of a separate hajj or 'umra.

No one has said that he performed 'umra four times and did so the last time after hajj.

As for those who have narrated that he performed the separate hajj, they have not contradicted what has preceded. Rather, they meant that his actions were limited and separate.

As for narrations which suggest otherwise, they are based upon personal understanding. When Bakr Bin 'Abdillaah heard Ibn 'Umar say: he performed a separate hajj, he said: he uttered the talbiya of hajj only. However, his son Saalim and his slave Naafi' have said: he performed 'umra in advance, thus he entered the ihraam of 'umra and then the ihraam of hajj.

As for the statements of 'Aa'isha and Ibn 'Umar, they suggest that he entered the ihraam of a separate hajj, did not combine rights, and did so once. As for their statement: he entered ihraam and performed 'umra, and then he entered ihraam and performed hajj, it is explicit.

As for the statement of Jaabir: he performed a separate hajj, his other statement does not suggest this at all. He said that he and those with him intended hajj only, so how could this indicate that the messenger of Allaah (may Allaah send salutations upon him) uttered the talbiya of hajj only?

Narrations concerning his combined hajj are preferred for the following reasons:

they outnumber other narrations

their means of transmission vary

they relay his personal account

they affirm narrations which state that he performed 'umra four times

they are explicit

they offer information which has been disclosed or denied, and this information is preferred

'Aa'isha, Ibn 'Umar, Jaabir, and Ibn 'Abbaas have narrated that he performed a separate as well as a combined hajj. However, if we were to discard their narrations, we would accept others concerning the latter, though if we were to choose, we would accept the narrations of Al Baraa, Anas, 'Umar Bin Al Khattaab, 'Imraan Bin Husayn, Hafsa and others.

he was commanded by his lord to perform this rite

he enjoined the combined hajj upon those bringing a sacrifice

he chose combined hajj for his family, and he could only choose for them what he chose for himself

he has said: 'umra will remain a part of hajj until the day of resurrection

When As Sabee Bin Ma'bad entered the ihraam of hajj and 'umra simultaneously, Salmaan Bin Rabee'a criticized him. As a result, 'Umar Bin Al Khattaab said: you have been guided to the tradition of your prophet (may Allaah send salutations upon him).

When one performs a combined hajj, he engages in two rites simultaneously.

The combined hajj is greater, because one brings a sacrifice which encompasses both hajj and 'umra.

It has been verified that it is better to perform 'umra before hajj, and the prophet (may Allaah send salutations upon him) has ordered one who does not have a sacrifice to perform hajj as such. In addition, it was the norm to perform 'umra in advance during the prophetic era when not bringing a sacrifice.

It is better to bring a sacrifice than to purchase one in Makka when intending to perform 'umra in advance.

As for those who have said that he left ihraam after performing 'umra and returned to it for hajj, Mu'aawiya has narrated that he cut the hair of the messenger of Allaah (may Allaah send salutations upon him) during hajj. However, he was mistaken like Ibn 'Umar who said that he performed 'umra during Rajab, because all other narrations indicate that he only left ihraam on the day of sacrifice. This is why he said: (if I did not have a sacrifice, I would leave ihraam) (I have brought a sacrifice and am performing a combined hajj, so I will not leave ihraam until I slaughter).

One may say that Mu'aawiya cut the hair of the messenger of Allaah (may Allaah send salutations upon him) which the barber did not cut on the

day of sacrifice, but this is also incorrect.

In addition, he only went between As Safaa and Al Marwa once, and he did not do so after the tawaaf of ifaada, nor did he perform 'umra after hajj.

As for those who have said that he performed 'umra in advance without leaving ihraam because of the sacrifice which he brought, Hafsa asked: why have the people left ihraam while you have not?

This group has said that he would have left ihraam had he not brought a sacrifice as he has said. They refer to this practice as a combined hajj, because one enters the ihraam of hajj before leaving the ihraam of 'umra. However, one who performs a combined hajj enters the ihraam of hajj and 'umra simultaneously, or he enters the ihraam of 'umra and then the ihraam of hajj before performing tawaaf.

One who performs a combined hajj only goes between As Safaa and Al Marwa once. Whereas, one who performs 'umra in advance does so twice according to the majority. However, it has been narrated that Ahmad has said that one may do so once as if he were performing a combined hajj.

Jaabir has said: the prophet (may Allaah send salutations upon him) nor his companions went between As Safaa and Al Marwa more than once. Narrated by Muslim.

Most of them performed 'umra in advance.

Sufyaan Ath Thawree has narrated that Salama Bin Kuhayl has said: Taawoos swore that the companions did not go between As Safaa and Al Marwa more than once.

Those who have held that his practice was exclusive have said that he went between As Safaa and Al Marwa twice. However, it is known that he did so only once, and Ibn 'Umar has said: he performed tawaaf and went between As Safaa and Al Marwa. He did not cut his hair and he did not leave ihraam until the day of sacrifice, and he felt that he had completed the tawaaf of hajj and 'umra once he went between As Safaa and Al Marwa. Narrated by Al Bukhaaree and Muslim.

Ibn 'Umar and Jaabir have narrated that the prophet (may Allaah send salutations upon him) performed one tawaaf and went between As Safaa and Al Marwa once. Narrated by Ad Daraqutnee.

This indicates that he had either performed a combined hajj or that one who performs 'umra in advance may go between As Safaa and Al Marwa once.

One may say that 'Imraan Bin Husayn has narrated that the prophet (may Allaah send salutations upon him) performed tawaaf twice and went between As Safaa and Al Marwa twice. Narrated by Ad Daraqutnee.

However, the reliable narration states that he combined hajj and 'umra,

and Allaah knows best.

I believe that Aboo Muhammad Bin Qudaama held that the messenger of Allaah (may Allaah send salutations upon him) performed 'umra in advance, because he saw where Ahmad stated that this was better than the combined hajj. In addition, he realized that Allaah the glorified could only select the best for his messenger, and that narrations state that he did not leave ihraam. As a result, he deduced that his practice was exclusive. However, Ahmad did not prefer that one perform 'umra in advance because the prophet (may Allaah send salutations upon him) did so. Rather, he did so because it was his final practice which he enjoined.

Al Marwazee has narrated that Ahmad preferred the combined hajj for one bringing a sacrifice, and this is the approach of our teacher.

At this point, one may ask: is it better to bring a sacrifice and to perform a combined hajj, or is it better not to bring a sacrifice and to perform 'umra in advance as the prophet (may Allaah send salutations upon him) wished to do?

A conflict may be sighted, because he performed a combined hajj bringing a sacrifice as his lord instructed him to do, but he has also said: (if I had it to do all over again, I would not bring a sacrifice and I would enter the ihraam of 'umra). It is known that when he selected a new practice, it was better than the previous one. This indicates that his final preference was that 'umra be performed in advance.

One who prefers the combined hajj would have to say that it was difficult for the companions to leave ihraam when the prophet (may Allaah send salutations upon him) did not, and that he selected a practice of lesser merit to avoid discord. Similarly, he said to 'Aa'isha: (I would have constructed two entrances within the ka'ba had your people not recently accepted Islaam).

He avoided what was better to appease the companions and to preserve unity, and this was the best decision. Similarly, he wished to perform 'umra in advance without bringing a sacrifice. Consequently, Allaah rewarded his action as well as his intention. In light of this, it is better to bring a sacrifice and to remain in ihraam, especially since this is the method which Allaah has chosen for the messenger of Allaah (may Allaah send salutations upon him).

It may be said that although one leaves ihraam when performing 'umra in advance, he returns to it unlike one who performs a combined hajj.

The merit of bringing a sacrifice to become closer to Allaah is greater than entering ihram twice.

One may ask: is it better to perform 'umra before hajj entering ihram twice, or is it better to perform 'umra after hajj?

May Allaah protect us from believing that any rite could be better than the rite which he chose for our master who is the greatest of creation, especially one which he nor any of his companions ever performed. Nevertheless, he has ordered one who has not brought a sacrifice to perform 'umra in advance, and although a few have considered this obligatory, the ocean of knowledge Ibn 'Abbaas was amongst them, as well as a segment of the Dhaahiree legal school.

As for those such as the many scholars of Al Koofa who have said that he performed tawaaf twice and went between As Safaa and Al Marwa twice, 'Alee has narrated that the prophet (may Allaah send salutations upon him) performed tawaaf twice and went between As Safaa and Al Marwa twice during a combined hajj.

'Abdullaah Bin Mas'ood has said: the messenger of Allaah (may Allaah send salutations upon him) performed tawaaf and went between As Safaa and Al Marwa once for hajj and once for 'umra.

'Imraan Bin Husayn has narrated that the prophet (may Allaah send salutations upon him) performed tawaaf and went between As Safaa and Al Marwa twice.

If these narrations were reliable, this group would have a good excuse.

Ibn 'Umar has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (if one joins hajj and 'umra, he may perform one tawaaf). Narrated by Ahmad, At Tirmidhee, and Ibn Hibbaan.

The wording of At Tirmidhee is as follows: (if one has entered the ihraam of hajj and 'umra, he may perform tawaaf and go between As Safaa and Al Marwa once, though he must leave the ihraam and hajj and 'umra simultaneously).

'Aa'isha has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) during the farewell hajj. After we entered the ihraam of 'umra, he said: (he who has a sacrifice must enter the ihraam of hajj and 'umra and must not leave it without doing so for the former and latter simultaneously). Consequently, those who entered the ihraam of 'umra left it after performing tawaaf, then they performed tawaaf again after returning from Mina. As for those who combined hajj and 'umra, they only performed one tawaaf. Narrated by Al Bukhaaree and Muslim.

The messenger of Allaah (may Allaah send salutations upon him) said to 'Aa'isha: (the tawaaf which you have performed at the house and As Safaa and Al Marwa suffices your hajj and 'umra).

Ibn 'Abbaas has narrated that the messenger of Allaah (may Allaah send salutations upon him) performed one tawaaf for hajj and 'umra.

Jaabir has narrated that the prophet (may Allaah send salutations upon him) combined hajj and 'umra and performed one tawaaf for the former and latter. Narrated by At Tirmidhee.

Ibn 'Abbaas has narrated that the prophet (may Allaah send salutations upon him) nor his companions went between As Safaa and Al Marwa more than once for hajj and 'umra. Narrated by Ad Daaraqutnee.

Jaabir has said: the messenger of Allaah (may Allaah send salutations upon him) found 'Aa'isha crying, so he asked: (why are you crying) ? She replied: I began to menstruate, so I did not perform tawaaf, and only I remain in ihraam. He said: (bathe and enter ihraam) , and she did. Once she performed tawaaf at the house and As Safaa and Al Marwa, he said: (you have left the ihraam of hajj and 'umra simultaneously). Narrated by Al Bukhaaree and Muslim.

This indicates that she performed a combined hajj and was allowed to perform tawaaf once without repeating 'umra.

'Aa'isha was prevented from performing tawaaf al qudoom, and a woman who is unable to do so may join hajj and 'umra, and it is sufficient that she perform tawaaf al ifaada followed by the tawaaf of As Safaa and Al Marwa.

Shaykhul Islaam Ibn Taymiyya has said: amongst what illustrates that he did not perform tawaaf twice at the house and As Safaa and Al Marwa is the following statement of 'Aa'isha: as for those who combined hajj and 'umra, they only performed one tawaaf. Narrated by Al Bukhaaree and Muslim.

Jaabir has said: the prophet (may Allaah send salutations upon him) and his companions only performed the first tawaaf at As Safaa and Al Marwa. Narrated by Muslim.

The prophet (may Allaah send salutations upon him) said to 'Aa'isha: (the tawaaf which you have performed at the house and As Safaa and Al Marwa suffices your hajj and 'umra). Narrated by Muslim.

He said to her once she performed tawaaf at the house and As Safaa and Al Marwa: (you have left the ihraam of hajj and 'umra simultaneously). Narrated by Al Bukhaaree and Muslim.

He continued to say: the companions who narrated the hajj of the messenger of Allaah (may Allaah send salutations upon him) all mentioned that he ordered them to leave ihraam once they had performed tawaaf at the house and As Safaa and Al Marwa, except for those who had brought a sacrifice. However, not one companion mentioned that he performed tawaaf at the house and As Safaa and Al Marwa twice.

Those who believe otherwise rely upon a narration of 'Alee and Ibn Mas'ood which has been relayed by the people of Al Koofa. However, Ja'far Bin Muhammad and his father have narrated that 'Alee has said that one may perform tawaaf at the house and As Safaa and Al Marwa once when performing a combined hajj. As for Iraqi narrations, they are unreliable. In fact, Ibn Hazm has said that all narrations in this regard are unreliable, and Taawoos has sworn that no companion performed tawaaf

more than once for hajj and 'umra. This has also been said by Ibn 'Umar, Ibn 'Abbaas, Jaabir, and others who were most familiar with the hajj of the messenger of Allaah (may Allaah send salutations upon him).

Is one obliged to go between As Safaa and Al Marwa twice when performing 'umra before or during hajj? The legal school of Ahmad maintains three views in this regard.

It has been said that one may go between As Safaa and Al Marwa once, and 'Abdullaah has said: I asked my father: how many times does one perform tawaaf between As Safaa and Al Marwa when performing 'umra in advance? He replied: if one does so twice it is better, though he may also do so once. Our teacher has said: it has been narrated that a few of the early believers have said this.

It has been said that one must perform tawaaf twice if his hajj has followed 'umra and that he may do so once if his hajj and 'umra are combined. This view has been held by the companions of Maalik and Ash Shaafi'ee.

It has been said that one must perform tawaaf twice, and this was the view of Aboo Haneefa, and Allaah knows best.

As for those who have said that he performed 'umra after hajj proceeding from At Tan'eem, the only excuse which I could make for them is what I have said before, namely that they heard that he performed a separate hajj and assumed that he departed from At Tan'eem like others.

Those Who Have Misunderstood His Ihraam

As for those who have said that he uttered the talbiya of 'umra and continued, they heard that he performed 'umra in advance, and Hafsa asked him: why have the people left ihraam while you remain in the ihraam of 'umra? However, this does not indicate that he uttered the talbiya of 'umra separately, and no one has narrated this. In addition, prophetic traditions prove otherwise.

As for those who have said that he uttered the talbiya of hajj and continued, it has been said that he performed a separate hajj and uttered a separate talbiya as was previously mentioned. However, those who have narrated his talbiya have stated the opposite.

As for those who have said that he uttered the talbiya of hajj before performing 'umra, they have deduced that he entered the ihraam of the separate hajj and was then commanded to join hajj and 'umra. This is why he said to Al Baraa Bin 'Aazib: (I brought a sacrifice and combined hajj).

It was said that he entered the ihraam of hajj and uttered the talbiya of hajj. This indicates that he was commanded to combine hajj and 'umra after entering the ihraam of hajj only. As for his talbiya, 'Aa'isha, Ibn 'Umar, and Jaabir heard him do so for hajj only. Thereafter, Anas heard him do so for hajj and 'umra.

They have said that narrations agree in light of this.

This group has held that only the prophet (may Allaah send salutations upon him) could combine hajj and 'umra. They have said: Ibn 'Umar has said that he uttered the talbiya of hajj only while Anas has said that he uttered the talbiya of hajj and 'umra, though they are both correct.

They have said: 'Aa'isha has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) and he said: (those who wish to enter the ihraam of hajj and 'umra may do so) , he then entered the ihraam of hajj and so did the others. This indicates that he entered the ihram of hajj before combining hajj and 'umra.

This is refuted by the statement of Anas who has said: the messenger of Allaah (may Allaah send salutations upon him) performed the afternoon prayer, then he ascended the mountain of Al Baydaa and entered the ihraam of hajj and 'umra.

'Umar has narrated that the one whom Allaah sent said to the prophet (may Allaah send salutations upon him) said: (pray in this blessed valley and utter the talbiya of hajj and 'umra). Consequently, he performed the afternoon prayer at Dhool Hulayfa and then he uttered the talbiya of hajj and 'umra.

There are two views concerning the permissibility of joining 'umra with hajj, and both have been attributed to Ahmad.

The well known view states that one may not do so. Whereas, those such as Aboo Haneefa and his companions who believed otherwise have said that one who does so is obliged to do more. However, those who hold that one may perform one tawaaf at the house and As Safaa and Al Marwa say that one is not obliged to do more, but is in fact obliged to do less, thus they prohibit this practice, and this is the majority opinion.

As for those who have said that he entered ihraam and joined hajj with 'umra, Ibn 'Umar has said: the messenger of Allaah (may Allaah send salutations upon him) performed 'umra in advance during the farewell hajj. He brought a sacrifice from Dhool Hulayfa and began by entering the ihraam of 'umra. Thereafter, he entered the ihraam of hajj. Agreed upon.

When 'Umar performed hajj, he entered the ihraam of 'umra and then he said: may you testify that I have undertaken hajj and 'umra. After offering a sacrifice, he departed and entered the ihraam of hajj and 'umra simultaneously. Once he reached Makka, he performed tawaaf and remained in ihraam until the day of sacrifice. He said: this is what the messenger of Allaah (may Allaah send salutations upon him) did.

This group has said that he entered the ihraam of 'umra and then combined hajj and 'umra while remaining in ihraam. This group has a better excuse than the previous group, and one may join hajj with 'umra. In fact, the prophet (may Allaah send salutations upon him) ordered 'Aa'isha to do

so. However, Anas has narrated that he entered the ihraam of hajj and 'umra simultaneously after performing the afternoon prayer. In addition, 'Aa'isha has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) during the farewell hajj, and he said: (he who wishes to enter the ihraam of 'umra may do so, and had I not brought a sacrifice, I would do so as well). Some such as myself entered the ihraam of 'umra and others entered the ihraam of hajj. Narrated by Muslim.

This states that he did not enter the ihraam of 'umra at that time, and if one considers that 'Aa'isha has said that he performed 'umra in advance during the farewell hajj and entered the ihraam of hajj, he will realize that she did not mean that his 'umra was separate.

Her statements do not contradict each other, because his 'umra was a part of his hajj, though he performed the rites of his hajj individually.

It has been said that when Ibn 'Umar said: this is what the messenger of Allaah (may Allaah send salutations upon him) did, he meant that he only performed tawaaf once at the house and As Safaa and Al Marwa. It has also been said that it was Ibn 'Umar who entered the ihraam of 'umra and then hajj, and this is not unlikely. Reason being, 'Aa'isha has narrated that the prophet (may Allaah send salutations upon him) has said: I would have entered the ihraam of 'umra had I not brought a sacrifice, and Anas has narrated that he entered the ihraam of hajj and 'umra simultaneously, and 'Umar has narrated that he was commanded to do so.

As for those who have said that he entered a general ihraam which he later specified at As Safaa and Al Marwa once the decree had descended, 'Aa'isha has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) without mentioning hajj and 'umra. The following wording has also been narrated: we uttered the talbiya without mentioning hajj and 'umra.

It has been narrated that 'Aa'isha has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) without mentioning hajj and 'umra. Once we approached Makka, he ordered those without a sacrifice to leave ihraam after performing tawaaf at the house and As Safaa and Al Marwa.

Taawoos has said: the messenger of Allaah (may Allaah send salutations upon him) left Al Madeena without mentioning hajj and 'umra as he awaited the decree which descended upon him at As Safaa and Al Marwa.

As for the narration of Taawoos, it is unreliable. Furthermore, the prophet (may Allaah send salutations upon him) was informed of the decree in the valley when it was said to him: pray in this blessed valley and combine hajj and 'umra. As for the decree which Taawoos has mentioned, it was not related to his ihraam. Rather, he was obliged to command those who did not bring a sacrifice to enter the ihraam of 'umra, and he said: (if I

had it to do all over again, I would not have brought a sacrifice, and I would enter the ihraam of ‘umra).

As for the statement of ‘Aa’isha: we accompanied the messenger of Allaah (may Allaah send salutations upon him) without mentioning hajj and ‘umra, it would have to be said that this was before ihraam. Otherwise, this statement would contradict her other statements, namely that some entered the ihraam of hajj while others such as herself entered the ihraam of ‘umra. As for her statement: we uttered the talbiya without mentioning hajj and ‘umra, this was during the beginning of ihraam. In addition, others have narrated what they heard the messenger of Allaah (may Allaah send salutations upon him) say. Whereas, even if the statement of ‘Aa’isha were authentic, all that could be said is that she memorized the initial talbiya unlike the companions who memorized the latter talbiya.

Even if the previous narrations negated a specific talbiya, affirmative narrations would be chosen since they are greater, more reliable, and more informative, and success lies with Allaah.

Returning To His Hajj

The messenger of Allaah (may Allaah send salutations upon him) washed his hair and entered ihraam in his place of prayer. He then entered ihraam again after mounting his camel and ascending Al Baydaa. Ibn ‘Abbaas has said: he entered ihraam in his place of prayer, upon his camel, and upon Al Baydaa.

He would enter the ihraam of hajj and ‘umra simultaneously and would enter the ihraam of hajj only, because ‘umra is a part of it. As a result, it has been said that he performed a separate hajj, a combined hajj, and ‘umra in advance. Ibn Hazm has said: he entered ihraam shortly before the afternoon prayer, though he was mistaken.

None have said that he entered ihraam before the afternoon prayer. Rather, Ibn ‘Umar has said: the messenger of Allaah (may Allaah send salutations upon him) entered ihraam at the tree where his camel stood, and Anas has said: he performed the afternoon prayer and mounted his camel. Narrated by Al Bukhaaree.

If one considers both narrations, he will realize that he performed the afternoon prayer, entered ihraam, and uttered the talbiya.

He uttered the talbiya loudly such that he was heard by his companions, and he commanded them to utter the talbiya loudly as well in compliance with the order of Allaah.

The Hajj Of Menstruating Women And Food Obtained Through Hunting

He allowed them to choose between three rites when entering ihraam, then he advised those amongst them who did not have a sacrifice to enter

the ihraam of 'umra. Finally, he enjoined this at Al Marwa.

Asmaa the wife of Aboo Bakr gave birth to Muhammad at Dhool Hulayfa, so the messenger of Allaah (may Allaah send salutations upon him) commanded her bathe and to enter ihraam. Her story contains three prophetic traditions, namely that one should bathe before entering ihraam, that one who is menstruating may enter ihraam, and that one who is menstruating must bathe.

Afterward, the messenger of Allaah (may Allaah send salutations upon him) began to utter the talbiya while some added to it and others reduced it, though he did not criticize them.

Once they reached Ar Rawhaa, he noticed a slaughtered wild donkey, so he said: (leave it). Once the owner arrived, he gave it to him, so he commanded Aboo Bakr to divide it amongst those present.

This proves that one who has entered ihraam may eat game. As for the fact that the owner of the donkey was not in ihraam, he may not have passed Dhool Hulayfa like Aboo Qataada.

This proves that a gift may be given without a statement.

This proves that game belongs to the one who claims ownership.

This proves that wild donkey meat is lawful.

This proves that one person may be chosen to divide the meat.

Afterward, he proceeded until reaching a hunted gazelle. He then ordered a man to stand near it. As for the donkey, the hunter was not in ihraam, so it was lawful. Whereas, the one who hunted the gazelle was unknown. Consequently, he would not allow the companions to eat it. This proves that game which is hunted by one in ihraam is like dead meat.

Once he had stopped, Aboo Bakr awaited a youth. Once he appeared, Aboo Bakr asked him: where is your camel? He replied: I lost it yesterday. As a result, Aboo Bakr began beating him as the messenger of Allaah (may Allaah send salutations upon him) smiled and said: (look at what this muhrim is doing) , and Aboo Daawud has said concerning this story: Chapter: The Muhrim Who Disciplined The Youth.

His Refusal To Eat Game During Ihraam

Once he had stopped, As Sa'b gave him wild donkey meat as a gift, but he returned it and said: (we do not reject this, but we are in ihraam). Narrated by Al Bukhaaree and Muslim.

Al Humaydee has said: Sufyaan used to say: the messenger of Allaah (may Allaah send salutations upon him) was given wild donkey meat as a gift, and he may have said that it was rare.

It has been narrated that As Sa'b gave the prophet (may Allaah send salutations upon him) wild donkey meat which he and others ate. Al Bayhaquee has said: this chain is reliable (saheeh).

Ash Shaafi'ee has said: if As Sa'b had given the donkey to the prophet (may Allaah send salutations upon him) , a muhrim could not slaughter it. Whereas, had he given him meat, he could have returned it knowing that he had hunted the donkey, and the narration which states that he was given a donkey is more reliable than the narration which states that he was given meat.

I say: as for the previous narration, it is undoubtedly inaccurate. Narrators have agreed that he did not partake of the donkey.

The narration which states that meat was given is more preferable, because it also states that it was rare. This indicates that the story was memorized.

This narration states that a portion of the donkey was eaten, and the narration which states that a donkey was given does not negate this, because meat could be implied.

It has been narrated that a portion of the donkey was given, though there is a discrepancy concerning the portion itself. However, there is no contradiction, because one portion can include other portions. In fact, Ibn 'Uyayna initially held that a donkey was given, but then he maintained that meat was given until his death. As for the fact that the prophet (may Allaah send salutations upon him) ate what Aboo Qataada had hunted, this took place during the year of Al Hudaibiya. Whereas, more than one person has mentioned that the story of As Sa'b took place during the farewell pilgrimage. Furthermore, Jaabir has narrated the following: (game is lawful for you if you have not hunted it, or if it was not hunted for you). Narrated by An Nasaa'ee.

At Tabaree has said in his book The Farewell Pilgrimage: Aboo Qataada hunted a wild donkey while out of ihraam, thus the prophet (may Allaah send salutations upon him) allowed his companions to eat it after asking: (did any of you oblige him to do this) ? However, he was mistaken, because this story took place during the year of Al Hudaibiya as appears in Al Bukhaaree and Muslim as narrated by 'Abdullaah the son of Aboo Qataada who said: we departed with the prophet (may Allaah send salutations upon him) during the year of Al Hudaibiya. Although his companions entered ihraam, I did not... He then mentioned the story of the wild donkey.

Once he reached a valley, he asked: (O Aboo Bakr, which valley is this) ? He replied: the valley of 'Asfaan. He said: (Hood and Saalih traversed this valley upon two red camels uttering the talbiya). Narrated by Ahmad.

'Aa'isha began to menstruate after entering ihraam, so she cried. As a result, the prophet (may Allaah send salutations upon him) asked: (are you crying because of your menstrual cycle) ? She replied: yes. He said: (this is something which Allaah has decreed for the daughters of Aadam, so perform the acts of hajj, but do not perform tawaaf at the house).

Scholars have differed concerning the hajj of 'Aa'isha. Did she intend to perform 'umra in advance before combining hajj and 'umra, and was she obliged to perform 'umra when she left At Tan'eem? Scholars have also differed concerning where she began to menstruate and where she became pure again. However, we will clarify these matters with the aid of Allaah.

If a woman enters ihraam and begins to menstruate, what does she do? The people of Al Koofa have said: 'Urwa has narrated that 'Aa'isha has said: I entered ihraam and reached Makka while menstruating. I did not perform tawaaf at the house or As Safaa and Al Marwa, so I informed the messenger of Allaah (may Allaah send salutations upon him) and he said: (undo your hair and comb it, then enter the ihraam of hajj and discontinue 'umra). She said: once I completed hajj, the messenger of Allaah (may Allaah send salutations upon him) sent 'Abdur Rahmaan Bin Abee Bakr and I to At Tan'eem where I entered the ihraam of 'umra, and he said: (this will replace your 'umra).

The people of Al Koofa have said that this indicates that 'Aa'isha intended to perform 'umra in advance and that she entered the ihraam of hajj thereafter, or as the prophet (may Allaah send salutations upon him) said: (discontinue 'umra). In addition, he said: (undo your hair and comb it), though she could not have done so had she remained in ihraam. Furthermore, he said: (this will replace your 'umra), but had her first 'umra remained, this 'umra would not have replaced it.

The majority have said: if you were to analyze the entire story of 'Aa'isha, you would realize that she performed a combined hajj, and Jaabir has said: 'Aa'isha entered the ihraam of 'umra, though she began to menstruate upon reaching Sarif. When the messenger of Allaah (may Allaah send salutations upon him) found her crying, he asked: (what is wrong)? She replied: I began to menstruate, thus I did not perform tawaaf at the house, and I remain in ihraam as others go to hajj. He said: (this is something which Allaah has decreed for the daughters of Aadam, so bathe and enter the ihraam of hajj). Once she became pure, she performed tawaaf at the house and As Safaa and Al Marwa, then he said to her: (you have completed hajj and 'umra). She said: O messenger of Allaah, I feel that I did not perform tawaaf at the house until I performed hajj. He said: O 'Abdur Rahmaan, bring her to At Tan'eem and instruct her to perform 'umra.

This states that her hajj was not separate, that one may perform tawaaf once during a combined hajj, and that she remained in ihraam. As for his statement: (discontinue 'umra), he meant that she should discontinue the rites of 'umra and not the ihraam of 'umra.

As for his statement: (undo your hair and comb it), Hanafee scholars say that it proves that one must leave the ihraam of 'umra.

Ibn Hazm and others have said it proves that a muhrim may comb his hair.

Some have rejected this statement saying that 'Urwa has opposed other narrators. They have said: 'Urwa has said: more than one person has informed me that the messenger of Allaah (may Allaah send salutations upon him) said to 'Aa'isha: (discontinue 'umra, undo your hair, and comb it). This proves that he did not hear this addition from her.

As for his statement: (this will replace your 'umra) , 'Aa'isha wanted to perform a separate 'umra, so the prophet (may Allaah send salutations upon him) informed her that she had performed tawaaf for hajj as well as 'umra and that her 'umra had merged with hajj. However, she insisted upon a separate 'umra, so once she performed it, he said: (this will replace your 'umra).

Al Aswad has said: I said to 'Aa'isha: you performed 'umra after hajj. She replied: by Allaah, my 'umra was merely a visit.

Ahmad has said: rather, the prophet (may Allaah send salutations upon him) commanded 'Aa'isha to perform 'umra when she said: the people have performed two rites while I have performed one right. Thereafter, he commanded 'Abdur Rahmaan to take her to At Tan'eem.

Some have said that 'Aa'isha intended a separate 'umra, and this is correct. She has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) during the farewell hajj and he said: (he who wishes to enter the ihraam of 'umra may do so, and had I not brought a sacrifice, I would do so myself). She said: some entered the ihraam of 'umra while others entered the ihraam of hajj, and I was amongst those who entered the ihraam of 'umra.

As for his statement: (discontinue 'umra and enter the ihraam of hajj) , he said this near Makka, and this proves that she was in the ihraam of 'umra.

Some such as Ibn 'Abdil Barr have said that she entered the ihraam of the separate hajj initially. The narrations of Al Qaasim Bin Muhammad, Al Aswad Bin Yazeed, and 'Umra all indicate that she entered the ihraam of hajj, and 'Umra has narrated that she has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) while certain that we had only intended hajj. Similarly, Al Aswad Bin Yazeed and Al Qaasim Bin Muhammad have narrated that she has said: we uttered the talbiya of hajj with the messenger of Allaah (may Allaah send salutations upon him).

He continued to say: Ismaa'eel Bin Ishaq has said: Al Aswad, Al Qaasim Bin Muhammad, and 'Umra have opposed the narration of 'Urwa which states that 'Aa'isha was amongst those who entered the ihraam of 'umra. As a result, we know that his narration is inaccurate. This error may result from the fact that 'Aa'isha could not perform tawaaf at the house and could not leave the ihraam of 'umra like those who did not bring a sacrifice. Consequently, the prophet (may Allaah send salutations upon him) ordered

her to neglect tawaaf and to perform hajj, thus it seemed that she had neglected 'umra and began hajj.

Jaabir Bin 'Abdillaah like 'Urwa has narrated that she had entered the ihraam of 'umra, and it has been said that 'Urwa made an error when narrating the following statement: (undo your hair and comb it).

Hishaam Bin 'Urwa has narrated that his father has said: more than one person has informed me that the messenger of Allaah (may Allaah send salutations upon him) said to 'Aa'isha: (discontinue 'umra, undo your hair and comb it, and perform the acts of hajj). However, Hamaad has stated that 'Uwra did not hear this from 'Aa'isha.

I say: it is astonishing that statements which are authentic and explicit could be rejected due to a statement which is ambiguous. The only defense of those who claim that 'Aa'isha performed a separate hajj was that she said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) while certain that we had only intended hajj. However, this is what one believes when performing 'umra in advance. Similarly, when one bathes due to major impurity, he begins with ablution, though it could be said that he intended to bathe. In addition, 'Aa'isha was certain that she had intended hajj until she entered the ihraam of 'umra.

As for her statement: we uttered the talbiya of hajj with the messenger of Allaah (may Allaah send salutations upon him), Jaabir has narrated that she entered the ihraam of 'umra as appears in Al Bukhaaree and Muslim, and Taawoos has narrated this as well as appears in Muslim.

If these narrations conflicted, the narrations of the companions would be preferred, but not the narrations of those who followed them. However, these narrations do not conflict.

It is astonishing that one could say that the messenger of Allaah (may Allaah send salutations upon him) did not perform 'umra in advance, but rather his companions did, but why has not it been said that 'Aa'isha did not utter the talbiya of hajj, but rather the companions did? Nevertheless, authentic narrations state that 'Aa'isha entered the ihraam of 'umra, so how could 'Urwa be considered mistaken when he was most familiar with her narrations which he heard directly?

As for his statement: more than one person has informed me that the messenger of Allaah (may Allaah send salutations upon him) said to 'Aa'isha: (discontinue 'umra), it could only be rejected if it contradicted other narrations. Otherwise, it would prove that she entered the ihraam of 'umra, but how could 'Uwra be considered mistaken when he was most familiar with the statements of 'Aa'isha who was his aunt? In addition, he as well as Jaabir, Taawoos, and Mujaahid have narrated that she entered the ihraam of 'umra, and even if the narrations of Al Qaasim Bin Muhammad, Al Aswad Bin Yazeed, and 'Umra conflicted with the narrations of Jaabir, 'Urwa, Taawoos, and Mujaahid, the narrations of the latter would be

preferred due to Jaabir and 'Urwa, and also because they are greater in number.

It is astonishing that one could believe that 'Aa'isha had performed 'umra in advance when the prophet (may Allaah send salutations upon him) commanded her to neglect tawaaf and to perform hajj. Rather, he said to her: (enter the ihraam of hajj) , and where has it been proven that a muhram may not comb his hair?

The 'Umra Of 'Aa'isha

Some have said that the 'umra which 'Aa'isha performed departing from At Tan'eem was merely a visit and that she had intended to perform 'umra in advance before combining hajj. This is the most accurate view and no narration indicates otherwise.

Some have said that the prophet (may Allaah send salutations upon him) commanded 'Aa'isha to discontinue 'umra and to perform hajj once she began to menstruate. They say that he also commanded her to repeat 'umra once she had completed hajj. This was the approach of Aboo Haneefa and his students. In light of this, her 'umra was obligatory.

A woman performing 'umra in advance who is prevented from performing tawaaf due to menstruation must either combine hajj or perform 'umra afterward.

Some such as Ahmad have said that when she combined hajj, she was obliged to perform a separate 'umra.

Some have said that her hajj was separate and that she was prevented from performing tawaaf al qudoom due to menstruation. They have also said that she continued and repeated hajj and 'umra once she became pure. This was the approach of Al Qaadee Ismaa'eel Bin Ishaaq and other Maalikee scholars, but it is not at all sound. Major principles have been derived from the tradition of 'Aa'isha, one of them is that one may perform tawaaf once at the house and As Safaa and Al Marwa when performing a combined hajj.

Other Principles

A menstruating woman is relieved of tawaaf al qudoom due to the tradition of Safiyya the wife of the prophet (may Allaah send salutations upon him).

A menstruating woman may join hajj with 'umra as if she is pure. In fact, they hold that she is more entitled to do so since she has an excuse.

A menstruating woman performs every act of hajj except tawaaf at the house.

At Tan'eem is not sacred land.

One may perform 'umra twice in one year. In fact, one may do so twice in one month.

One performing 'umra in advance may join hajj due to a time constraint based upon the tradition of 'Aa'isha.

The story of 'Aa'isha is the cornerstone of those who prefer the 'umra of Makka, because she was the only one from Makka who began 'umra outside Makka. However, this story does not support their position, because she either repeated 'umra as is held by some, or merely visited the house as is held by others.

It has not been agreed upon that this 'umra replaced the 'umra of Islaam, and both views which exist in this regard have been attributed to Ahmad. Those who have held that this 'umra did not replace the 'umra of Islaam have said: the 'umra of the messenger of Allaah (may Allaah send salutations upon him) is only of two types. The first is performed in advance and is obligatory upon one without a sacrifice, and the second is separate. As for the practice of proceeding from the nearest point outside the sacred land, it has not been legislated. As for the 'umra of 'Aa'isha, it was merely a visit. Otherwise, it was a part of her hajj as the messenger of Allaah (may Allaah send salutations upon him) has stated. This proves that the 'umra of a combined hajj may replace the 'umra of Islaam, because the prophet (may Allaah send salutations upon him) has said: ('umra will remain a part of hajj until the day of resurrection). In addition, he ordered one bringing a sacrifice to combine hajj and 'umra, but he did not order anyone amongst him who did so to perform an additional 'umra. Consequently, the 'umra of the combined hajj can replace the 'umra of Islaam, and success lies with Allaah.

As for where 'Aa'isha began to menstruate, it was undoubtedly Sarif. As for where she became pure, Mujaahid has said that it was 'Arafa. However, 'Urwa has narrated that she was impure on the day of 'Arafa, but there is no contradiction. Ibn Hazm has said: Al Qaasim has said that she became pure on the day of sacrifice as appears in Saheeh Muslim, and he and 'Urwa who was the closest to her have agreed that she was impure on the day of 'Arafa. As for the narration which states that 'Aa'isha became pure four nights after the day of sacrifice, Ibn Hazm has declared it unreliable. Hamaad Bin Salama has narrated this, though Hamaad Bin Zayd has not, and the latter narration is preferred. Reason being, Hamaad Bin Zayd was more knowledgeable and accurate than Hamaad Bin Salama, and Hamaad Bin Zayd has narrated her personal account unlike Hamaad Bin Salama. In addition, 'Urwa has narrated that she has said: I remained impure until the day of 'Arafa, and Mujaahid has narrated that she has said: I became pure on the day of 'Arafa. Whereas, Al Qaasim has said that she became pure on the day of sacrifice.

His Guidance Concerning The Termination Of Hajj

The Permissibility Of Performing 'Umra In Advance

Returning to his hajj, he said to his companions upon reaching Sarif: (he

who has no sacrifice and wishes to perform 'umra may do so).

While in Makka, he ordered one without a sacrifice to leave ihraam and to perform 'umra instead of hajj. When Suraaqa Bin Maalik asked if 'umra would be performed in this manner during that year only or forever, he replied: ('umra will remain a part of hajj until the day of resurrection).

The termination of hajj has been narrated by the following fourteen companions:

'Aa'isha

Hafsa

'Alee Bin Abee Taalib

Faatima

Asmaa

Jaabir Bin 'Abdillaah

Aboo Sa'eed Al Khudree

Al Baraa Bin 'Aazib

'Abdullaah Bin 'Umar

Anas Bin Maalik

Aboo Moosa Al Ash'aree

'Abdullaah Bin 'Abbaas

Sabra Ibn Ma'bad Al Juhanee

Suraaqa Bin Maalik Al Madlajee

All of these narrations are reliable

Ibn 'Abbaas has said: the prophet (may Allaah send salutations upon him) and his companions arrived on the morning of the fourth having entered the ihraam of hajj, so he ordered them to perform 'umra...Narrated by Al Bukhaaree and Muslim.

Jaabir Bin 'Abdillaah has said: the prophet (may Allaah send salutations upon him) and his companions entered the ihraam of hajj, though only he and Talha had a sacrifice. When 'Alee returned from Yemen with a sacrifice, he said: the prophet (may Allaah send salutations upon him) and I have entered the same ihraam. Consequently, he ordered the companions who did not have a sacrifice to perform 'umra instead of hajj and to leave ihraam after performing tawaaf, and he said: (if I had it to do all over again I would not bring a sacrifice and would leave ihraam). As a result, we left ihraam in obedience to him.

Ibn 'Umar has said: the messenger of Allaah (may Allaah send salutations upon him) and his companions reached Makka having entered the ihraam of hajj, so he said: (he who has no sacrifice may perform 'umra if he pleases). Narrated by Ahmad.

Ar Rabee' Bin Sabra has narrated that his father has said: once we had reached 'Asfaan, the messenger of Allaah (may Allaah send salutations upon him) said to Suraaqa Bin Maalik Al Madlajee: (Allaah the magnificent

has joined 'umra with hajj, so once you have performed tawaaf at the house and As Safaa and Al Marwa, leave ihraam if you have not brought a sacrifice). Narrated by Aboo Daawud.

'Aa'isha has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) while certain that we had only intended hajj. Once we had reached Makka, he said to his companions: (perform 'umra). As a result, those who had not brought a sacrifice left ihram. Narrated by Al Bukhaaree and Muslim.

'Umra has said: I have heard 'Aa'isha say: we departed with the messenger of Allaah (may Allaah send salutations upon him) five nights before the end of Dhool Qa'da while certain that we had only intended hajj. Once we had approached Makka, the messenger of Allaah (may Allaah send salutations upon him) ordered those who had not brought a sacrifice to leave ihraam after performing tawaaf at the house and As Safaa and Al Marwa.

Ibn 'Umar has said: Hafsa has informed me that the prophet (may Allaah send salutations upon him) ordered his wives to leave ihraam during the year of the farewell hajj, so I asked: what has prevented you from leaving ihraam? He replied: (I will not leave ihraam until I sacrifice). Narrated by Muslim.

Asmaa has said: once we had entered ihraam, the messenger of Allaah (may Allaah send salutations upon him) said: (those who have a sacrifice should remain in ihraam, and those who do not have a sacrifice should not). Narrated by Muslim.

Aboo Sa'eed Al Khudree has said: once we had reached Makka, the messenger of Allaah (may Allaah send salutations upon him) ordered those who had not brought a sacrifice to perform 'umra instead of hajj. However, once the eighth of Dhool Hijja arrived, we went to Mina and entered the ihraam of hajj. Narrated by Muslim.

Ibn 'Abbaas has said: we, the muhaajiroon, the ansaar, and the wives of the prophet (may Allaah send salutations upon him) entered ihraam during the farewell hajj. Once we had reached Makka, the messenger of Allaah (may Allaah send salutations upon him) said: (if you have entered the ihraam of 'umra and have not brought a sacrifice, then enter the ihraam of hajj). Narrated by Al Bukhaaree.

Al Baraa Bin 'Aazib has said: we entered the ihraam of hajj and once we reached Makka, the messenger of Allaah (may Allaah send salutations upon him) said: (make your hajj 'umra). As a result, the people asked: how could we do so when we have entered the ihraam of hajj? He replied: (do what I command you to do). However, they repeated their question until he became angry. He then came to 'Aa'isha who asked: who has angered you? He replied: (how could I not become angry when I am defied) ? Narrated by Ibn Maaja.

If we were to enter the ihraam of hajj, we would consider it an obligation to join 'umra with it lest we disobey the messenger of Allaah (may Allaah send salutations upon him). By Allaah, this practice has not been abrogated or opposed, nor was it intended for a select group of companions. In fact, Allaah the glorified caused Suraaqa to ask him if this practice was exclusive, and he replied that it would continue indefinitely. Consequently, we do not know what narration could be more preferable than what has preceded.

Salama said to Ahmad: O Aboo 'Abdillaah, there is only one thing which I dislike about you. He asked: what is it? He replied: you hold that one may terminate hajj and perform 'umra. He said: O Salama, I thought that you were intelligent. Should I neglect eleven prophetic traditions because of your opinion? !

Ibn Shihaab has said: I sought the judgement of 'Ataa and said: Jaabir Ibn 'Abdillaah has informed me that he performed hajj with the prophet on the day when he brought livestock. After they had entered the ihraam of hajj, he said: (leave ihraam by performing tawaaf at the house and As Safaa and Al Marwa, then return to it on the eighth of Dhool Hijja...). Narrated by Al Bukhaaree.

Ibn Shihaab has said: once we reached Makka, we performed tawaaf at the ka'ba and As Safaa and Al Marwa, so the messenger of Allaah (may Allaah send salutations upon him) ordered those who had not brought a sacrifice to leave ihraam. We asked: what is lawful? He replied: (everything). As a result, we joined our women, applied fragrance, and wore our clothing, and the day of 'Arafa was only four nights away. Once the eighth of Dhool Hijja arrived, we returned to ihraam.

The following has also been narrated: (those who have not brought a sacrifice must leave ihraam and perform 'umra). Consequently, everyone left ihraam except the prophet (may Allaah send salutations upon him) and those who had brought a sacrifice. Once the eighth of Dhool Hijja arrived, they proceeded to Mina and entered the ihraam of hajj. Narrated by Muslim.

Anas has narrated that the prophet (may Allaah send salutations upon him) and his companions entered the ihraam of hajj and 'umra. Once they reached Makka, they performed tawaaf at the house and As Safaa and Al Marwa, so the messenger of Allaah (may Allaah send salutations upon him) ordered them to leave ihraam, but they feared this. As a result, he said: (leave ihraam, because I would do so as well had I not brought a sacrifice). Narrated by Al Bazaar.

Anas has said: the prophet (may Allaah send salutations upon him) performed four bowings of the afternoon prayer in Al Madeena and two bowings of the late afternoon prayer in Dhool Hulayfa. Once he awoke, he ascended Al Baydaa where he glorified Allaah. Afterward, he and others

entered the ihraam of hajj and 'umra. Once we arrived, he ordered the people to leave ihraam, and they returned to it on the eighth of Dhool Hijja. Narrated by Al Bukhaaree.

Aboo Moosa Al Asha'ree has said: the messenger of Allaah (may Allaah send salutations upon him) sent me to my people in Yemen. When I came to him, he asked: (which ihraam have you entered) ? I replied: the ihraam of the prophet (may Allaah send salutations upon him). He asked: do you have a sacrifice? I replied: no, so he commanded me to leave ihraam after performing tawaaf at the house and As Safaa and Al Marwa. Narrated by Al Bukhaaree.

Ibn 'Abbaas told the truth when he said that one who has performed tawaaf who has not brought a sacrifice has left ihraam. This is a prophetic tradition which cannot be challenged. Similarly, the prophet (may Allaah send salutations upon him) has said: (once evening has approached, the fast is broken).

'Ataa has said: Ibn 'Abbaas used to say: once one has performed tawaaf at the house, he has left ihraam.

Ibn 'Abbaas has narrated that the prophet (may Allaah send salutations upon him) has said: (one who has not brought a sacrifice must leave ihraam completely, because 'umra will remain a part of hajj until the day of resurrection). Narrated by Muslim.

Ibn 'Abbaas has said: if one has entered the ihraam of hajj, his hajj will become 'umra after performing tawaaf. Narrated by Muslim.

This is a practice which none can deny. In fact, it was supported by the family of the messenger of Allaah (may Allaah send salutations upon him) , Ibn 'Abbaas and his companions, Aboo Moosa Al Asha'ree, Ahmad Bin Hanbal, 'Abdullaah Bin Al Hasan Al 'Anbaree, and the scholars of the Dhaahiree legal school.

Those who have opposed the preceding prophetic traditions have claimed that they are abrogated, restricted, and divergent.

As for those who claim that this practice was abrogated, they have not provided prophetic traditions which can prove this. However, they have provided the following: Al Farayaabee, Abaan Ibn Abee Haazim, Aboo Bakr Bin Hafs, and Ibn 'Umar have narrated that 'Umar Bin Al Khattaab said upon receiving reign: O people, the messenger of Allaah (may Allaah send salutations upon him) allowed us to enjoy, but then he did not. Narrated by Al Bazaar.

The following response has been provided: as for the chain of this narration, it is insignificant. As for the meaning of enjoyment in this case, it is intimacy.

This nation has agreed that the enjoyment of hajj is either obligatory, desireable, or lawful, but we are unaware that it has been forbidden.

It has been narrated that 'Umar Bin Al Khattaab has said: if I were to

perform hajj, I would perform 'umra in advance. Al Athram and others have mentioned this.

'Abdur Razzaaq has mentioned that Saalim Bin 'Abdillaah was asked if 'Umar prohibited the enjoyment of hajj, and he replied no. He has also mentioned that Ibn 'Abbaas has said: I have heard the one whom you claim has prohibited the enjoyment of hajj ('Umar) say: if I were to perform 'umra and then hajj, I would perform 'umra in advance.

Aboo Muhammad Bin Hazm has said: it has been narrated that 'Umar came to believe that 'umra in advance was permissible after believing otherwise. However, this could not be so since he believed that this practice was abrogated.

Rather, he could not have prohibited this when the prophet (may Allaah send salutations upon him) said that it would continue indefinitely.

Those Who Claim That Only The Companions Were Allowed To Terminate Hajj

It has been narrated that Aboo Dharr has said: the messenger of Allaah (may Allaah send salutations upon him) allowed us to terminate hajj exclusively. Narrated by Al Humaydee.

It has been narrated that Aboo Dharr has said: none after us were allowed to make hajj 'umra. Narrated by Wakee'.

It has been narrated that Aboo Dharr has said about the enjoyment of hajj: it was a concession which the messenger of Allaah (may Allaah send salutations upon him) granted us. Narrated by Al Bazzaar.

It has been narrated that Aboo Dharr used to say about the termination of hajj: only those who accompanied the messenger of Allaah (may Allaah send salutations upon him) were allowed to do so. Aboo Daawud.

It has been narrated that Aboo Dharr has said: the enjoyment of hajj was for the companions only. It has also been narrated that he has said: the enjoyment of hajj and women is only for us. Narrated by Muslim.

It has been narrated that Aboo Dharr has said about the enjoyment of hajj: it is not for you, it was a concession for us companions of the messenger of Allaah (may Allaah send salutations upon him). Narrated by An Nasaa'ee.

It has been narrated that Bilaal Bin Al Haarith has said: I asked: O messenger of Allaah (may Allaah send salutations upon him) , is the termination of hajj for us or for others? He replied: (it is only for us). Narrated by Ahmad.

It has been narrated that 'Uthmaan was questioned about the enjoyment of hajj and replied: it was for us and not for you.

The following response has been provided: the narrations which you have mentioned are either fabricated or authentic though possibly inaccurate.

Ibn ‘Abbaas and Aboo Moosa Al Asha’ree have said that hajj could be terminated by the entire nation, thus the opinion of Aboo Dharr is contrary. In addition, when the prophet (may Allaah send salutations upon him) was questioned about the merger of hajj and ‘umra, he replied that it was indefinite. This narration is more preferable, if it is authentic.

When we find that the companions have differed concerning a prophetic tradition and some of them have claimed that it is abrogated, their claim is contrary and unacceptable without proof.

‘Abdullaah Bin Ahmad has said: my father would terminate hajj once he had performed tawaaf at the house and As Safaa and Marwa, and he has said concerning the enjoyment of hajj: it was the latter practice of the messenger of Allaah (may Allaah send salutations upon him) who said: (make your hajj ‘umra). I mentioned the narration of Bilaal Bin Haarith and he said: this man is unknown and so is the chain of his narration.

The prophet (may Allaah send salutations upon him) has informed us that the merger of hajj and ‘umra which he enjoined is indefinite, so how could he have said thereafter that this was only for the companions? This indicates that Ahmad was correct.

How could the narration of Bilaal Bin Haarith be reliable when Ibn ‘Abbaas ruled otherwise? As for the statement of ‘Uthmaan, it should be judged like the statement of Aboo Dharr.

Our teacher has said: the companions were obliged to terminate hajj once the messenger of Allaah (may Allaah send salutations upon him) commanded them to do so. As for the nation at large, they are encouraged to terminate hajj. However, Ibn ‘Abbaas declared that all are obliged to terminate hajj.

Al Athram has said: Ahmad Bin Hanbal has informed us that it has been narrated that Aboo Dharr has said concerning the enjoyment of hajj: it was only for us. As a result, Ahmad said: may Allaah have mercy upon Aboo Dharr, the enjoyment of hajj is mentioned in the book of Allaah: **{he who performs ‘umra in advance}** [Al Baqara/196].

﴿فَمَنْ تَمَنَّعَ بِالْعُمْرَةِ إِلَى الْحَجِّ﴾ [البقرة: 196]

Those who uphold the statements of Aboo Dharr and ‘Uthmaan say that they could not be based upon opinion and provide information unknown to opponents. However, the following has appeared in Muslim: the verse of enjoyment was revealed and the messenger of Allaah (may Allaah send salutations upon him) obliged us to comply. This verse was not abrogated by another verse and the messenger of Allaah (may Allaah send salutations upon him) never prohibited the enjoyment of hajj, regardless of what one may believe. It has been narrated that ‘Umar was referred to.

When someone said to ‘Abdullaah Bin ‘Umar: your father has prohibited

the enjoyment of hajj, he asked: should he be obeyed instead of the messenger of Allaah (may Allaah send salutations upon him) ?

When the opinions of Aboo Bakr and ‘Umar were presented to Ibn ‘Abbaas, he said: stones will soon fall upon you from the sky, I say the messenger of Allaah (may Allaah send salutations upon him) has said, and you say Aboo Bakr and ‘Umar have said.

None of the companions or those who followed them would allow one to reject a statement of the messenger of Allaah (may Allaah send salutations upon him) in this fashion. In fact, it has been verified that the enjoyment of hajj will continue until the day of resurrection, and this has been said by ‘Alee Bin Abee Taalib, Sa’eed Bin Abee Waqqaas, Ibn ‘Umar, Ibn ‘Abbaas, Aboo Moosa, Sa’eed Bin Al Musayyib, and the majority of those who followed the companions.

When ‘Umar Bin Al Khattaab prohibited the enjoyment of hajj, Aboo Moosa Al Asha’ree asked: O commander of the faithful, what have you introduced? He replied: we shall adhere to the book of our lord who has said: **{complete hajj and ‘umra for Allaah}** [Al Baqara/196].

﴿وَاتِمُوا الْحَجَّ وَالْعُمْرَةَ لِلَّهِ﴾ [البقرة: 196]

And we shall adhere to the tradition of the messenger of Allaah (may Allaah send salutations upon him) who did not leave ihraam until he had sacrificed.

Consequently, Aboo Moosa and ‘Umar agreed that it was an innovation to prohibit the termination of hajj. In fact, Aboo Moosa ruled in favor of the termination of hajj during the entire reign of Aboo Bakr.

Narrations Which Seem To Oppose The Termination Of Hajj

‘Aa’isha has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) during the farewell hajj. Some of us entered the ihraam of ‘umra and others entered the ihraam of hajj. Once we reached Makka, the messenger of Allaah (may Allaah send salutations upon him) said: (he who has entered the ihraam of ‘umra and has not brought a sacrifice must leave ihraam. Otherwise, he must not leave ihraam until he performs sacrifice. As for he who has entered the ihraam of hajj, he must continue). Narrated by Muslim.

‘Aa’isha has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) during the year of the farewell hajj. Some of us entered the ihraam of ‘umra while the messenger of Allaah (may Allaah send salutations upon him) and others entered the ihraam of hajj. Those who had intended ‘umra left ihraam while those who had intended hajj or hajj and ‘umra did not do so until the day of sacrifice. Narrated by Muslim.

‘Aa’isha has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) during hajj. Some intended hajj while others

intended 'umra. Those who had intended hajj or hajj and 'umra did not leave ihraam until completing all rites. Whereas, those who had intended 'umra did not leave ihraam until completing tawaaf at the house and As Safaa and Al Marwa. Narrated by Ibn Abee Shayba.

Muhammad Bin Nawfal has narrated that a man from Iraq said to him: ask 'Urwa Bin Az Zubayr if a man who has intended hajj leaves ihraam upon completing tawaaf, and 'Urwa Bin Az Zubayr replied: 'Aa'isha informed me that the messenger of Allaah (may Allaah send salutations upon him) began by performing ablution and then tawaaf, but he did not perform 'umra. When Aboo Bakr performed hajj he began by performing tawaaf, but he did not perform 'umra. When 'Umar performed hajj he began by performing tawaaf, but he did not perform 'umra. When 'Uthmaan performed hajj he began by performing tawaaf, but he did not perform 'umra. When Mu'aawiya performed hajj he began by performing tawaaf, but he did not perform 'umra. When 'Abdullaah Bin 'Umar performed hajj he began by performing tawaaf, but he did not perform 'umra, and when Aboo Az Zubayr whom I accompanied performed hajj he began by performing tawaaf, but he did not perform 'umra...Narrated by Al Bukhaaree and Muslim.

These are the narrations which seem to oppose the termination of hajj.

Those who have narrated the first prophetic tradition have narrated that the prophet (may Allaah send salutations upon him) ordered one who had not brought a sacrifice to leave ihraam after completing tawaaf at the house and As Safaa and Al Marwa.

It has been narrated that 'Aa'isha has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) five nights before the end of Dhool Qa'da while certain that we had only intended hajj. Once we approached Makka, the messenger of Allaah (may Allaah send salutations upon him) ordered those who had not brought a sacrifice to leave ihraam after completing tawaaf at the house and As Safaa and Al Marwa.

It has been narrated that 'Aa'isha has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) while certain that we had only intended hajj. We performed tawaaf upon arrival and the prophet (may Allaah send salutations upon him) ordered those who had not brought a sacrifice to leave ihraam.

It has been narrated that 'Aa'isha has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) during the year of the farewell pilgrimage. Once we had entered the ihraam of 'umra, he said: (he who has a sacrifice must enter and leave the ihraam of hajj and 'umra simultaneously).

It has been narrated that 'Aa'isha has said: the messenger of Allaah (may Allaah send salutations upon him) performed 'umra in advance during the

farewell pilgrimage. As a result, he brought a sacrifice from Dhool Hulayfa. Thereafter, he entered the ihraam of 'umra and then hajj, and so did those with him. However, not everyone brought a sacrifice, so once he reached Makka, he said: (those of you who have brought a sacrifice may not leave ihraam until you have completed hajj. Otherwise, you may do so after performing tawaaf at the house and As Safaa and Al Marwa. Thereafter, you may enter the ihraam of hajj and you may sacrifice. However, if you are unable to obtain a sacrifice, then you may fast for three days during hajj and you may fast for seven days once you have returned home).

It has been narrated that 'Aa'isha has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) while mentioning hajj only. She continued to say: when I reached Makka, he said to his companions: (make hajj 'umra). Consequently, those who had not brought a sacrifice left ihraam.

It has been narrated that 'Aa'isha has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) while mentioning hajj only. Once we reached Sarif, I began to menstruate. Thereafter, the messenger of Allaah (may Allaah send salutations upon him) found me crying, so he asked: (why are you crying) ? I replied: by Allaah, I do not wish to perform hajj this year. She continued to say: when I reached Makka, the prophet (may Allaah send salutations upon him) said: (make hajj 'umra). As a result, those who had not brought a sacrifice left ihraam.

All which has preceded has appeared in the authentic collection, and it agrees with what has been narrated by Jaabir, Ibn 'Umar, Anas, Aboo Moosa, Ibn 'Abbaas, Aboo Sa'eed, Asmaa, Al Baraa, Hafsa, and others. Namely, that the prophet (may Allaah send salutations upon him) commanded all of his companions to leave ihraam except for those who had not brought a sacrifice, and that he commanded them to make their hajj 'umra.

The statements of 'Aa'isha correspond. Rather, some narrations have exceeded others. However, it has not been narrated that one who has intended hajj may not leave ihraam. To be precise, it has been narrated that one must complete hajj. If this narration is reliable, it has preceded the command to leave ihraam and to make hajj 'umra. If this is the true, this command is additional. Otherwise, it has abrogated the command to terminate hajj, and the command to terminate hajj has abrogated the separate hajj, but this is impossible.

The Enjoyment Of Hajj

The following two narrations have been rejected: (as for he who has entered the ihraam of hajj or hajj and 'umra simultaneously, he does not leave ihraam until the day of sacrifice) (as for he who has entered the ihraam

of hajj or hajj and 'umra simultaneously, he does not leave ihraam until he has completed all rites).

Al Athram has said: Ahmad Bin Hanbal has informed us that 'Abdur Rahmaan Bin Mahdee, Maalik Bin Anas, Aboo Al Aswad, and 'Urwa have narrated that 'Aa'isha has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) intending hajj and 'umra, and the messenger of Allaah (may Allaah send salutations upon him) intended hajj. As for those who had intended 'umra, they left ihraam after performing tawaaf at the house and As Safaa and Al Marwa. As for those who had intended hajj and 'umra, they did not leave ihraam until the day of sacrifice.

Ahmad Bin Hanbal said: this is incorrect. Al Athram said: the narration of Az Zuhree and 'Urwa is contrary and Ahmad Bin Hanbal agreed.

Aboo Muhammad Bin Hazm has said: these two narrations are unreliable, and it has been narrated that Asmaa has said: I performed 'umra with 'Aa'isha and my sister, and once we touched the house, we left ihraam. However, we returned to it in the evening.

Scholars of prophetic tradition agree that 'Aa'isha did not perform 'umra upon reaching Makka initially, thus she was ordered to do so departing from At Tan'eem after completing hajj as Jaabir Bin 'Abdillaah and others have narrated. In addition, they have narrated that they left ihraam on the day their arrival and returned to it on the eighth of Dhool Hijja to perform hajj.

I say: this narration is reliable. As for the following statement: and once we touched the house, we left ihraam, Asmaa referred to herself and others who were pure unlike 'Aa'isha. Rather, she began to menstruate in Sarif where she joined hajj with 'umra. Consequently, it could be said that she performed 'umra with the prophet (may Allaah send salutations upon him).

As for the statement of Asmaa that they returned to ihraam in the evening, she did not say that they did so on the day of the arrival. Rather, she meant the eighth of Dhool Hijja, and it was unnecessary for her to specify this. Consequently, reliable narrations should not be rejected due to a misconception.

Aboo Muhammad Bin Hazm has said: one should say that 'Aa'isha meant that those who had not brought a sacrifice did not leave ihraam until the day of sacrifice. If this were said, all narrations would agree, because what was mentioned via Az Zuhree and 'Urwa is the opposite of what was mentioned via Aboo Al Aswad and 'Urwa, and Az Zuhree was undoubtedly more knowledgeable than Aboo Al Aswad. Similarly, Yahya Bin 'Abdir Rahmaan has opposed those greater than him in this regard such as Al Aswad Bin Yazeed, Al Qaasim Bin Muhammad Bin Abee Bakr, Aboo 'Amr, Dhakwaan the slave of 'Aa'isha, and 'Umra Bint 'Abdir Rahmaan.

The prophet (may Allaah send salutations upon him) commanded those who had not brought a sacrifice to terminate hajj. Consequently, the

narrations of Aboo Al Aswad and Yahya Bin 'Abdir Rahmaan refer to those who had brought a sacrifice, and it has been narrated that 'Aa'isha has said: (he who has a sacrifice must enter the ihraam hajj and 'umra and must leave ihraam the ihraam of hajj and 'umra). This prophetic tradition as you see has been narrated via 'Urwa and 'Aa'isha, and it clarifies the narrations of Aboo Al Aswad and Yahya Bin 'Abdir Rahmaan.

The following illustrates that something is missing from the narration of Aboo Al Aswad: 'Urwa has narrated that his mother, his aunt, and Az Zubayr began by performing 'umra and left ihraam after touching the house. All agree that one who performs 'umra as such does not leave ihraam by touching the house unless he has already went between As Safaa and Al Marwa. Consequently, something is missing.

As for the actions of Aboo Bakr, 'Umar, Ibn 'Umar, the Muhaajiroon, and the Ansaar which Aboo Al Aswad has narrated via 'Urwa, the response of Ibn 'Abbaas is sufficient. It has been narrated that Ibn 'Abbaas has said: the messenger of Allaah (may Allaah send salutations upon him) performed 'umra in advance, so 'Urwa said: Aboo Bakr and 'Umar have prohibited this, but Ibn 'Abbaas said: you are doomed, I say that the messenger of Allaah (may Allaah send salutations upon him) has said and you say Aboo Bakr and 'Umar have said.

It has been narrated that 'Urwa asked Ibn 'Abbaas: do you not fear Allaah? You permit the enjoyment of hajj. He replied: ask your mother O 'Urwa. He said: as for Aboo Bakr and 'Umar, they did not do this. He said: by Allaah, you shall be punished. I speak to you about the messenger of Allaah (may Allaah send salutations upon him) and you speak to me about Aboo Bakr and 'Umar. He said: they are more familiar than you with the prophetic tradition and they adhere to it more than you.

It has been narrated that 'Urwa asked a companion of the messenger of Allaah (may Allaah send salutations upon him) : do you wrongfully order people to perform 'umra during these ten days? He asked: will you not ask your mother about that? He replied: Aboo Bakr and 'Umar did not do that. He said: Allaah the magnificent will punish you, I speak to you about the messenger of Allaah (may Allaah send salutations upon him) and you speak to me about Aboo Bakr and 'Umar. He replied: by Allaah, they are more familiar with the prophetic tradition, so the man remained silent. Narrated by Muslim.

Aboo Muhammad has said: we say to 'Urwa: Ibn 'Abbaas is more familiar than you with the prophetic tradition as well as Aboo Bakr and 'Umar, and a Muslim does not doubt this. 'Aa'isha is also more more knowledgeable than you, and she asked: who is responsible this season? Others replied: Ibn 'Abbaas. She said: he is the most familiar with hajj.

It has been narrated that Ibn 'Abbaas has said: the messenger of Allaah

(may Allaah send salutations upon him) , Aboo Bakr, and 'Umar performed 'umra in advance and the first to prohibit this was Mu'aawiya.

It has been narrated that Ibn 'Abbaas has said: the messenger of Allaah (may Allaah send salutations upon him) , Aboo Bakr, and 'Umar performed 'umra in advance, and the first to prohibit this was Mu'aawiya.

It has been narrated that Ibn 'Abbaas has said: the messenger of Allaah (may Allaah send salutations upon him) , Aboo Bakr, 'Umar, and 'Uthmaan performed 'umra in advance, and the first to prohibit this was Mu'aawiya.

I say: this has been narrated by Ahmad and At Tirmidhee who has said: an authentic (hasan) tradition.

It has been narrated that Ubayy Bin Ka'b and Aboo Moosa Al Ash'aree asked 'Umar Bin Al Khattaab: will you not speak about the enjoyment of hajj? He replied: is anyone still unaware? As for myself, I perform 'umra in advance.

It has been narrated that 'Umar desired to prohibit the enjoyment of hajj, so Ubayy Bin Ka'b said: we performed 'umra in advance with the messenger of Allaah (may Allaah send salutations upon him) , though it was never forbidden.

The following statement of 'Umar has preceded: if I were to perform hajj and 'umra during the middle of the year, I would perform 'umra in advance. In fact, I would do so if I performed hajj fifty times. It has also been narrated that he has said:

if I were to perform hajj after performing 'umra twice in one year, I would perform 'umra thereafter.

If I were to perform hajj after performing 'umra twice in one year, I would perform 'umra in advance.

It has been narrated that Ibn 'Abbaas has said: I have heard the one whom others claim has prohibited the enjoyment of hajj say: if I were to perform 'umra and then hajj, I would perform 'umra in advance.

As for the response of our teacher, he has said that 'Umar never prohibited the enjoyment of hajj. Rather, he preferred that one travel to perform hajj or 'umra individually. This is better than performing a combined hajj or 'umra in advance as Aboo Haneefa, Maalik, Ash Shaafi'ee, and Ahmad as well as others have said. This is the individual hajj which Aboo Bakr and 'Umar performed, and 'Umar and 'Alee advocated this.

'Umar has said concerning the following verse: **{and complete hajj and 'umra for Allaah}** [Al Baqara/196]

﴿وَاتِمُوا الْحَجَّ وَالْعُمْرَةَ لِلَّهِ﴾ [البقرة: 196]

To complete hajj and 'umra is to enter ihraam at home. As a result, if one returns home to perform 'umra, or performs 'umra and then hajj during the

months of hajj, or performs 'umra during the months of hajj and returns home and then departs for hajj, he has performed both rites completely.

This is what 'Umar preferred for others, but some were led to believe that he prohibited the enjoyment of hajj while others were led to believe that he prohibited the termination of hajj. Whereas, some such as Aboo Muhammad Bin Hazm believed that he permitted the enjoyment of hajj after prohibiting it.

It has been narrated that Al Aswad Bin Yazeed has said: as I stood upon 'Arafa with 'Umar Bin Al Khattaab as he noticed a man who was groomed and scented. Consequently, he asked: have you entered ihraam? He replied: yes. He said: but it does not appear that you have. He said: I intended to perform 'umra in advance upon arrival, and my family is with me. Rather, I have returned to ihraam today. He said: do not perform 'umra in advance. If I allowed this, couples would remain together until hajj. This illustrates that his stance was a matter of personal judgement.

Ibn Hazm has said: the prophet (may Allaah send salutations upon him) reached all of his wives and entered ihraam in the morning, and none disagree that sexual intercourse is lawful before doing so, and Allaah knows best.

Refuting Those Who Prohibit The Termination Of Hajj

Those who prohibit the termination of hajj say: since the companions and those who have followed them have disagreed concerning the termination of hajj, it must be prohibited as a precaution as most scholars say.

The prophet (may Allaah send salutations upon him) enjoined the termination of hajj to demonstrate the 'umra could be performed during the months of hajj, because this practice was disliked before Islaam.

As for the first approach, precaution is necessary only in the absence of prophetic tradition. Otherwise, the prophetic tradition is followed as a precaution and whatever opposes it is abandoned. As for precaution itself, it becomes necessary to avoid divergence in terms of prophetic tradition and legal opinion. In any event, precaution is not possible in this case since three opinions exist.

Some say that the termination of hajj is unlawful.

Some say that the termination of hajj is obligatory, and some of the early believers have maintained this.

Some say that the termination of hajj is preferred, thus precaution is appropriate to avoid the divergence of those who have declared this practice obligatory.

As for the second approach, the prophet (may Allaah send salutations upon him) had performed 'umra three times during Dhool Qa'da as has preceded, so how could one believe that the companions did not know that

‘umra could be performed during the months of hajj until they were commanded to terminate hajj?

The prophet (may Allaah send salutations upon him) has said: (one may enter the ihraam of hajj or ‘umra or hajj and ‘umra if he pleases). As a result, he stated that one could perform ‘umra during the months of hajj, and most of the believers were present. Consequently, if they did not realize thereafter that ‘umra could be performed during the months of hajj, then they definitely would not realize this after the termination of hajj.

He ordered those who had not brought a sacrifice to leave ihraam, this indicates that it was the sacrifice which prevented one from leaving ihraam.

If the prophet (may Allaah send salutations upon him) ordered the termination of hajj to oppose the polytheists, one would be encouraged or obliged to comply until the day of resurrection. Similarly, the polytheists would proceed from ‘Arafa before sunset and would not proceed from Muzdalifa until sunrise, nor would they stand upon ‘Arafa, so the prophet (may Allaah send salutations upon him) opposed them.

This opposition is either a pillar as Maalik has said, an obligation which may be fulfilled with a sacrifice as Aboo Haneefa, Ash Shaafi’ee, and Ahmad has said, or desireable as Ash Shaafi’ee said at one point.

All agree that it is desireable to proceed from Muzdalifa before sunrise, and Allaah the most high has said: **{then proceed from where the people have proceeded}** [Al Baqara/199].

﴿ثُمَّ أَفِيضُوا مِنْ حَيْثُ أَفَاضَ النَّاسُ﴾ [البقرة: 199]

All agree as well that this opposition is a pillar of hajj, and one is either encouraged or obliged to oppose the polytheists. As a result, an act of this nature could not be unlawful.

The prophet (may Allaah send salutations upon him) has said: (‘umra will remain a part of hajj until the day of resurrection). Narrated by Al Bukhaaree and Muslim.

He has also said: (if I had it to do all over again, I would arrive without a sacrifice and would make hajj ‘umra, so those of you who have not brought a sacrifice may do so).

His Arrival In Makka

Returning to his hajj, he spent the night in Dhoo Tuwa which is referred to today as Aabaar Az Zaahir, and this was Sunday the fourth of Dhool Hijja. Once he performed the dawn prayer, he bathed and proceeded to Makka which he entered upon the highest path. However, he would enter upon the lowest path when performing ‘umra.

Once he arrived, he entered the masjid, and this was in the morning. At Tabaraanee has mentioned that he entered the gate of Banoo ‘Abdi Manaaf which is referred to today as the gate of Banoo Shayba. At Tabaraanee has

also mentioned that he would say when looking at the house: (O Allaah, continue to honor this house of yours). It has also been narrated that he would raise his hands and utter the takbeer upon sighting the house and would say: (O Allaah, continue to honor this house of yours and continue to honor those who perform hajj and 'umra).

He did not greet the masjid upon entry, because it is greeted with tawaaf, though he did greet the black stone. However, he did not express an intention nor did he utter the takbeer like those who have no knowledge. He proceeded with the house to his left and his only supplication of was: **{our lord, grant us good in this life and the next and protect us from the fire}** [Al Baqara/201].

﴿رَبَّنَا آتِنَا فِي الدُّنْيَا حَسَنَةً وَفِي الْآخِرَةِ حَسَنَةً

وَقِنَا عَذَابَ النَّارِ﴾ [البقرة: 201]

He said this between the two corners.

He would walk briskly during the first three circuits of his tawaaf, and he would point to the black stone or greet it with his cane which he would kiss. He also greeted the Yemeni corner, though it has not been verified that he kissed it, or that he kissed his hand thereafter.

Ibn 'Abbaas has said: the messenger of Allaah (may Allaah send salutations upon him) would kiss the Yemeni corner and place his cheek upon it. Narrated by Ad Daaraqutnee. However, the black stone has been intended.

It has been verified that he would touch the black stone and kiss his hand, and it has also been verified that he wept while kissing the black stone.

It has been narrated that he would say when greeting the Yemeni corner: (in the name of Allaah, Allaah is the greatest). Narrated by At Tabaraanee.

He would always say: (Allaah is the greatest) when reaching the black stone.

It has been narrated that Ja'far Bin 'Abdillaah Bin 'Uthmaan has said: I saw Muhammad Bin Ja'far kiss the black stone and prostrate upon it. He then said: I saw Ibn 'Abbaas do this, and he said: I saw 'Umar Bin Al Khattaab do this, and he said: I saw the messenger of Allaah (may Allaah send salutations upon him) do this. Narrated by At Tayaalisee.

It has been narrated that Ibn 'Abbaas kissed the black stone and prostrated upon it three times. Narrated by Al Bayhaqee.

It has also been narrated that he has said: I saw the prophet (may Allaah send salutations upon him) prostrate upon the stone. Narrated by Al Bayhaqee.

He only greeted the two Yemeni corners.

His Practice After Tawaaf

Once he completed tawaaf, he recited the following behind the standing

place of Ibraaheem: {perform prayer at the standing place of Ibraaheem} [Al Baqara/125].

﴿وَاتَّخِذُوا مِنْ مَّقَامِ إِبْرَاهِيمَ مُصَلًّى﴾ [البقرة: 125]

Thereafter, he performed two bowings of prayer where he recited Al Kaafiroon and Al Ikhlāas. Afterward, he proceeded to the black stone which he greeted, then he proceeded to As Safaa. As he approached it, he recited the following: {As Safaa and Al Marwa are amongst the signs of Allaah} [Al Baqara/158].

﴿إِنَّ الصَّفَا وَالْمَرْوَةَ مِنْ شَعَائِرِ اللَّهِ﴾ [البقرة: 158]

And he has said: (I begin with what Allaah has begun with) , and An Nasaa'ee has narrated the following: (begin with what Allaah has begun with).

Once he ascended, he faced the qibla and said: (there is no deity worthy of worship except Allaah who is alone. Praise and dominion belong to him. He is completely capable and is the only deity worthy of worship. He fulfilled his promise, assisted his slave, and defeated the allies by himself). He repeated this three times.

It has been narrated that someone said to Ibn Mas'ood upon As Safaa: O Aboo 'Abdir Rahmaan, by he who is the only deity worthy of worship, this is the place where Al Baqara was revealed. Narrated by Al Bayhaquee.

It has been narrated that Jaabir Bin 'Abdillaah has said: the messenger of Allaah (may Allaah send salutations upon him) performed tawaaf at the house and As Safaa and Al Marwa while mounted during the farewell hajj so that the people could see him. Narrated by Muslim.

It has been narrated that Jaabir has said: the messenger of Allaah (may Allaah send salutations upon him) nor his companions performed more than one tawaaf between As Safaa and Al Marwa. Narrated by Muslim.

He began his tawaaf walking and completed it riding, and Aboo At Tufayl has said: I said Ibn 'Abbaas: your people claim that it is a prophetic tradition to perform tawaaf riding. He said: they have told the truth and have lied. I asked: what do you mean they have lied and have told the truth? He replied: the messenger of Allaah (may Allaah send salutations upon him) performed tawaaf riding when overwhelmed by the masses, though he also did so walking. Narrated by Muslim.

A Description Of His Tawaaf

Some say that he performed tawaaf walking while others say that he did so riding, and 'Aa'isha has said: the prophet (may Allaah send salutations upon him) performed tawaaf at the ka'ba upon his camel. Narrated by Muslim.

It has been narrated that Ibn 'Abbaas has said: the prophet (may Allaah

send salutations upon him) began to complain upon reaching Makka, so he performed tawaaf while riding. Whenever, he reached the corner, he would greet it with his cane. Once he completed tawaaf, he performed a prayer of two bowings. Narrated by Aboo Daawud.

Aboo At Tufayl has said: I saw the prophet (may Allaah send salutations upon him) perform tawaaf at the house while riding, and he would greet the stone with his cane which he would kiss. Narrated by Muslim.

It seems that this was during tawaaf al ifaada and not tawaaf al qudoom, because Jaabir has narrated that he walked briskly during the first three circuits of the latter tawaaf, and Allaah knows best.

Ash Shaafi'ee has said: as for the tawaaf which he performed upon arrival, he did so on foot, because Jaabir has narrated that he walked briskly during the first three circuits. Consequently, he could not have narrated that he performed tawaaf walking and riding. Ash Shaafi'ee then mentioned that the messenger of Allaah (may Allaah send salutations upon him) performed tawaaf al ifaada at night while riding.

I say: Jaabir, Ibn 'Umar and 'Aa'isha have narrated that the prophet (may Allaah send salutations upon him) performed tawaaf al ifaada on the day of sacrifice during the afternoon. As for the following statement of Ibn 'Abbaas: the prophet (may Allaah send salutations upon him) began to complain upon reaching Makka, so he performed tawaaf while riding, this was during 'umra. In addition, it has been narrated that he walked briskly during the first three circuits of tawaaf. The only alternative is to say that he proceeded briskly while riding as Ibn Hazm has said. However, it has not been narrated that he rode during tawaaf al qudoom, and Allaah knows best.

As Safaa And Al Marwa

Ibn Hazm has said: he performed tawaaf at As Safaa and Al Marwa where he rode during three circuits and walked during four circuits. However, he was mistaken, because this has not been narrated. Rather, this was said of the tawaaf at the house. It is even more astonishing that Ibn Hazm relied upon the following: Ibn 'Umar has said: the prophet (may Allaah send salutations upon him) performed tawaaf upon reaching Makka and began by greeting the corner. He rode during three circuits and walked during four. Afterward, he performed prayer at the standing place of Ibraaheem, and then he traversed As Safaa and Al Marwa seven times. Narrated by Al Bukhaaree.

Ibn Hazm said: although it has not been stated to what extent he proceeded briskly, it is agreed upon.

I say: this has not been narrated, and our teacher has said: this was one of his mistakes. He never performed hajj.

Similarly, some have said that the prophet (may Allaah send salutations

upon him) went between As Safaa and Al Marwa fourteen times, but this has never been narrated. In addition, all agree that he completed tawaaf at Al Marwa. However, if two circuits were actually one, he would have completed tawaaf at As Safaa.

He would ascend Al Marwa and face the house while uttering the takbeer and tahleel as he did upon As Safaa. Once he completed tawaaf, he would order those who had not brought a sacrifice to leave ihraam whether their hajj was combined or separate. However, the prophet (may Allaah send salutations upon him) would remain in ihraam due to his sacrifice, and he has said: (if I had it to do all over again, I would not arrive without a sacrifice and would make hajj 'umra).

It has also been narrated that he left ihraam as well, though we have proven that this is incorrect.

He sought the forgiveness of Allaah three times for those whose heads were shaved, though he only did so once for those whose hair was cut.

When he ordered the termination of hajj, Suraaqa Bin Maalik asked if this would be done that year only or forever. He replied: (forever).

Aboo Bakr, 'Umar, 'Alee, Talha, and Az Zubayr did not leave ihraam due to their sacrifice, though the wives of the prophet (may Allaah send salutations upon him) did, except for 'Aa'isha.

He reduced his prayer for four days, and when the eighth of Dhool Hijja arrived which was a Thursday, he and those with him proceeded to Mina. Once they arrived, he performed the afternoon and late afternoon prayers, and they proceeded to 'Arafa at sunrise.

Some of his companions uttered the talbiya while others uttered the takbeer, though he did not criticize the former or the latter.

He stayed in the village of Namira until noon, then he mounted his camel Al Qaswaa and departed. He delivered a profound sermon upon his camel where he affirmed the fundamentals of Islaam and condemned polytheism and ignorance. He affirmed the sanctity of life, wealth, and honor and urged kindness toward women. He mentioned their rights and obligations and urged adherence to the book of Allaah. Thereafter, the congregation said: we declare that you have conveyed the message, so he pointed his finger toward the sky seeking Allaah as a witness, and he ordered them to convey the message to those who were absent.

Ibn Hazm has said: Umm Al Fadl Bint Al Haarith Al Hilaaliyya the mother of 'Abdullaah Bin 'Abbaas sent the prophet (may Allaah send salutations upon him) milk which he drank upon his camel in front of the people. Once he completed the sermon, he ordered Bilaal to call to prayer. However, Ibn Hazm was mistaken, because this took place as he stood upon 'Arafa. Rather, the people were uncertain whether he was fasting that day, so Maymoona sent him milk which he drank while others watched.

His sermon was undivided and was followed by two bowings of the afternoon prayer. Although it was Jumu'a, his recitation was silent, this indicates that a traveler does not perform the Jumu'a prayer.

He performed two bowings of the late afternoon prayer, and although the people of Makka were present, he did not order them to complete their prayers or to perform them separately. As for those who believe that he said: (complete your prayer, because we are en route), they are utterly mistaken. Rather, he said this during the conquest of Makka. As a result, the most accurate opinion is that one may reduce prayer regardless of the distance or length of his journey.

Once he had completed prayer, he rode until reaching the standing place, and he supplicated until sunset while facing the qibla.

He stated that 'Arafa is not confined to the place where he stood when he said: (I stood here, though all of 'Arafa is a standing place).

He instructed the people to stand upon 'Arafa so that they may observe the tradition of their father Ibraaheem.

When a group from Najd questioned him about hajj, he replied: (hajj is 'Arafa, and if one arrives before the dawn prayer, he will complete hajj upon the third day of Mina. However, one may depart on the second day or may remain thereafter).

He informed those present that the best supplication is one which is uttered on the day of 'Arafa.

It has been narrated that he said: (O Allaah, the greatest of praise belongs to you. O Allaah, my life, death, and worship are for you. I will return to you and for you. O Allaah, I seek your protection from the torture of the grave, the whispering of the chest, and the evil which is brought by the wind). Narrated by At Tirmidhee.

(O Allaah, you hear and see me and know everything about me. I am a needy person seeking aid, and I confess that I have sinned. I ask and supplicate like one who is lowly, impoverished, and fearful. O Allaah, spare me misery and be kind and merciful unto me. O Allaah, you are the greatest benefactor). Narrated by At Tabaraanee.

'Amr Bin Shu'ayb and his father have narrated that his grandfather has said: the supplication which the prophet (may Allaah send salutations upon him) uttered most on the day of 'Arafa was: (there is no deity worthy of worship except Allaah who is alone. Praise and dominion belong to him, and and goodness lies within his hand, and he is entirely capable). Narrated by Ahmad.

'Alee has narrated that the prophet (may Allaah send salutations upon him) has said: (the supplication which the prophets and I have uttered most on the day of 'Arafa is: there is no deity worthy of worship except Allaah who is alone. Praise and dominion belong to him and he is entirely capable.

O Allaah, illuminate my heart, chest, hearing, and vision. O Allaah expand my chest and grant me ease. I seek your protection from the whispering of the chest, the trial of the grave, the evil of night and day, the evil of the wind, and the evil of time). Narrated by Al Bayhaquee.

The following verse was revealed upon 'Arafa: **{today I have made your religion complete and have been most graceful, and I am satisfied that your religion is Islaam}** [Al Maa'ida/3].

﴿الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتِمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيتُ لَكُمُ الْإِسْلَامَ دِينًا﴾ [المائدة: 3]

A muhrim fell from his animal upon 'Arafa and died. Consequently, the messenger of Allaah (may Allaah send salutations upon him) ordered that he be bathed and shrouded, though he forbade that his face and head be covered and that fragrance be applied to his body.

He informed those present that Allaah would resurrect him uttering the talbiya, and the following may be deduced from this story:

It is obligatory to bathe the deceased since the prophet (may Allaah send salutations upon him) ordered this.

One who is deceased is not impure, because if he was, a bath would only increase his impurity.

The deceased should be bathed with lotus, because the prophet (may Allaah send salutations upon him) ordered that the muhrim be bathed as such. He also ordered that his daughter be bathed as such, and he obliged women to bathe similarly after menstruation. As for the necessity of bathing with lotus after menstruation, the legal school of Ahmad maintains two positions.

Water which is altered by a pure substance remains pure according to most scholars, and this was maintained by Ahmad although his latter companions believe otherwise.

He ordered that his daughter be bathed with camphor after ordering that she be bathed with lotus, though he would not have done so if camphor could render water impure.

A muhrim may be bathed, though 'Abdullaah Bin 'Abbaas and Al Miswar Bin Mukhrima did not agree. As a result, Aboo Ayyoob Al Ansaaree intervened informing them that the messenger of Allaah (may Allaah send salutations upon him) bathed during ihraam. Nevertheless, they agreed that a muhrim may bathe due to major impurity, but Maalik disliked that one submerge his head while doing so. However, the truth of the matter is that it is permissible, because 'Umar Bin Al Khattaab and Ibn 'Abbaas both did this.

A Muhrim may use lotus, and Ash Shaafi'ee has agreed. It has been narrated that Ahmad has also agreed, though Maalik and Aboo Haneefa have not, and Saalih has narrated that Ahmad has said: if he does so, he

must offer a sacrifice. The two companions of Aboo Haneefa have said: if he does so, he must give charity.

Those who forbid the usage of lotus during ihraam assert that lotus kills lice, is fragrant, and negates ihraam. However, the prophet (may Allaah send salutations upon him) did not forbid a muhrim to kill lice, and lotus is not a fragrance, nor does it negate ihraam.

Wealth is divided and debts are paid once the deceased has been shrouded, because the prophet (may Allaah send salutations upon him) ordered that the muhrim be shrouded with the fabric which covered his body, though he did not inquire about his heirs or his debts. Similarly, if he were alive and in need of clothing, his debts would be paid once he was clothed. This is the majority opinion.

One may be shrouded with only two garments which is the majority opinion. However, Aboo Ya'laa has said at least three garments should be used if possible.

Fragrance may not be applied to the body of the muhrim. As for those who forbid a muhrim to smell fragrance, they have done so by comparison. However, it has not been stated that a muhrim may not smell fragrance, and there is no consensus which suggests this. Nevertheless, if one smells a fragrance, he may apply it. Similarly, one may not look at a woman whom he may marry, because if he does, he may pursue her.

What is prohibited in this regard becomes lawful due to necessity or the best interest of the community. As a result, one may look at the woman whom he intends to marry. In light of this, a Muhrim is excused if he did not smell fragrance intentionally, or if he did so in order to make a purchase.

Some of those who have allowed one to smell fragrance before ihraam have allowed him to so afterward, and the following has been mentioned in Jawaami' Al Fiqh by Aboo Yoosuf: one may smell fragrance which he has applied before ihraam. The author of Al Mufeed has said: fragrance lingers after one has entered ihraam, and it fights fatigue in the same way that the pre-dawn meal fights hunger.

It has been narrated that the prophet (may Allaah send salutations upon him) would apply fragrance before ihraam and that it was visible afterward. It has also been narrated that his fragrance was visible three days later. This disproves the erroneous interpretation of those who claim that his fragrance was visible before ihraam and that it was removed during a bath. As for those who claim that only he could smell fragrance during ihraam, they must provide evidence. In addition, it has been narrated that 'Aa'isha has said: we would apply fragrance to our foreheads upon entering ihraam, and when we perspired, it would reach our faces. However, the prophet (may Allaah send salutations upon him) did not forbid that we apply fragrance. Narrated by Aboo Daawud.

The head of a muhrim may not be covered, though he may stand beneath a ceiling, and the prophet (may Allaah send salutations upon him) stood beneath a dome which was erected for him at Namira. However, Maalik disliked that a muhrim stand in the shade of his fabric, but the majority have opposed him.

The companions of Maalik have forbade that a Muhrim walk in the shade of a litter, and they have imposed a ransom upon one who does so. Ahmad has also forbade this practice, though he did not impose a ransom. Whereas, Aboo Haneefa and Ash Shaafi'ee have not prohibited this practice, and these three positions have been attributed to Ahmad.

A Muhrim may not cover his face, though Ash Shaafi'ee and Ahmad have allowed this, and it has been narrated that Aboo Haneefa, Maalik, and Ahmad have prohibited this. As for the companions, 'Uthmaan, 'Abdur Rahmaan Bin 'Awf, Zayd Bin Thaabit, Az Zubayr, Sa'd Bin Abee Waqqaas, and Jaabir have permitted a muhrim to cover his face. However, Ibn Hazm has said that the face of a muhrim may only be covered if he is alive, and this befits his legal approach.

Those who hold that a muhrim may cover his face rely upon the statements of the aforementioned companions as well as the following statement: (do not cover his head). They have claimed that the following narration is unreliable: (do not cover his face). Shu'ba has said: I asked Aboo Bishr about this ten years later and he said: (do not cover his head or face). Some have said: this proves that this narration is unreliable, and the following has also been narrated: (cover his face and not his head).

Ihraam continues after death, and this was maintained by 'Uthmaan, Ibn 'Abbaas, Ash Shaafi'ee, Ahmad, Ishaq, and others. Aboo Haneefa, Maalik, and Al Awzaa'ee have maintained that ihraam ends upon death due to the following statement: (once you perish, only three of your deeds continue). They have said that the story of the muhrim is inadmissible since his shrouding was exclusive, and they have also said that the funeral prayer which was performed for An Najaashee was as such. However, the majority have considered the previous claim divergent. They have said that the following statement: (he will utter the talbiya on the day of resurrection) indicates why the deceased was shrouded as a muhrim and that this would not have been said had his shrouding been exclusive. Similarly, he has said concerning the martyrs of Uhud: (shroud them with their garments and do not treat their wounds, because they will remain as such and will smell like musk on the day of resurrection). However, you did not say that this was confined to the martyrs of Uhud. Rather, you included all martyrs.

His Departure From 'Arafa

Returning to his hajj, once the sun had set, he departed 'Arafa placing

Usaama Bin Zayd behind him. He proceeded with poise as he said: (O people, you must be calm, because righteousness is not attained with haste).

He departed upon one path and arrived upon another, and this was his practice during the 'eed as has preceded.

He began to proceed at a moderate pace, though he would increase upon reaching an expanse, and when reaching a hill, he would loosen the bridle of his camel so that it could ascend.

He continued to utter the talbiya until stopping to urinate. He then performed a light ablution and Usaama said: prayer O messenger of Allaah, so he said: (prayer is in front of you).

Once he reached Muzdalifa, he performed ablution and ordered the adhaan which was followed by the iqaama. He then performed the sunset prayer before the camels reached the ground. Afterward, he performed the evening prayer with an iqaama and no adhaan, though he did not perform prayer during the interlude. Although it has been narrated that there was an adhaan and an iqaama for each prayer, and an adhaan for both prayers and an iqaama, there was actually an iqaama for both prayers and an adhaan, and this is how prayer was performed at 'Arafa.

He slept the entire night and narrations which state that he remained active on the eve of the 'eed are unreliable. He allowed his weak relatives to proceed to Mina before sunrise, and this was when the moon was obscured. He ordered them not to begin stoning until after sunrise and At Tirmidhee and others have declared this tradition authentic.

It has been narrated that 'Aa'isha has said: the messenger of Allaah (may Allaah send salutations upon him) sent Umm Salama to stone on the eve of the sacrifice, so she stoned a pillar before dawn and proceeded to perform tawaaf al ifaada, and that was the day which he spent with her. Narrated by Aboo Daawud.

However, Ahmad and others have rejected this narration, namely because it was also mentioned that he commanded her to perform the dawn prayer in Makka on the day of sacrifice.

Al Athram has said: Aboo 'Abdillaah has informed me that Aboo Mu'aawiyah, Hishaam, his father, and Zaynab the daughter of Umm Salama have narrated that the prophet (may Allaah send salutations upon him) ordered her to perform the dawn prayer in Makka on the day of sacrifice.

Wakee' and his father have narrated that the prophet (may Allaah send salutations upon him) ordered Umm Salama to perform the dawn prayer in Makka on the day of sacrifice.

Al Khallaal has said: 'Alee Bin Harb has informed me that Haaron Bin 'Imraan, Sulaymaan Bin Abee Daawud, and Hishaam Bin 'Urwa, have narrated that his father has said: Umm Salama said to me: I stoned at night, then I proceeded to Makka to perform the dawn prayer. Afterward, I returned to Mina.

I say: 'Uthmaan Bin Sa'eed has declared Sulaymaan Bin Abee Daawud an unreliable narrator.

It has been narrated in Al Bukhaaree and Muslim that the messenger of Allaah (may Allaah send salutations upon him) allowed his weak relatives to depart during the night of Muzdalifa. It has also been narrated that Sawda was amongst them and that his other wives did not depart until he did.

One may ask: how do you respond to the narration which states that the prophet (may Allaah send salutations upon him) sent Ibn 'Abbaas and other relatives of his to Mina on the day of sacrifice where they stoned at dawn?

We respond by saying that it has been narrated that the prophet (may Allaah send salutations upon him) has said: (do not stone the pillar until sunrise).

There is no contradiction between these narrations, because he ordered the boys to stone at sunrise since they had no excuse unlike the women whom he allowed to stone beforehand.

The prophetic tradition has indicated that one may stone before sunrise if unable to bear the congestion of Mina, and three positions are maintained in this regard.

As Shaafi'ee and Ahmad have held that all may stone after midnight.

Abou Haneefa has held that none may stone until after sunrise.

Other scholars have held that those capable of bearing the congestion of Mina may not stone until after sunrise. As for the prophetic tradition, it indicates that those incapable of bearing the congestion of Mina must stone once the moon has become obscured.

The Time Of Standing

Once dawn arrived on the day of sacrifice, he performed prayer with one adhaan and one iqaama. This was a day of celebration, and on this day it was announced that Allaah and his messenger had renounced every polytheist.

He rode until reaching his standing place before sunrise where he supplicated while facing the qibla.

The prophet (may Allaah send salutations upon him) said upon 'Arafa: (if one has stood upon 'Arafa by night or day and has prayed with us until our departure, his hajj is complete). Narrated by At Tirmidhee who has said: an authentic (hasan saheeh) tradition.

This is the evidence of those who maintained that spending the night at Muzdalifa is a pillar of hajj like 'Arafa, and this view was upheld by:

Ibn 'Abbaas

Ibn Az Zubayr

Ibraaheem An Nakha'ee

Ash Shu'ba

'Alqama
 Al Hasan Al Basree
 Al Awzaa'ee
 Hamaad Bin Abee Sulaymaan
 , Daawud Adh Dhaahiree
 Aboo 'Ubayd Al Qaasim Bin Salaam
 , Ibn Jareer
 Ibn Khuzayma
 some Shaafi'ee scholars

These scholars have also relied upon the following: **{and remember Allaah at Muzdalifa}** [Al Baqara/198].

﴿فَاذْكُرُوا اللَّهَ عِنْدَ الْمَشْعَرِ الْحَرَامِ﴾ [البقرة: 198]

They have also relied upon the practice of the messenger of Allaah (may Allaah send salutations upon him) which clarified the previous verse.

Those who have maintained that spending the night at Muzdalifa is not a pillar of hajj have said: the prophet (may Allaah send salutations upon him) allowed one to stand upon 'Arafa until the break of dawn, thus if one did so shortly before that time, his hajj would be valid. However, if spending the night at Muzdalifa were a pillar of hajj, this would not be so. They have also said: if spending the night at Muzdalifa were a pillar of hajj, the prophet (may Allaah send salutations upon him) would not have allowed the women to depart at night. However, this is questionable, because he did so once they had performed the night prayer, and this is what was obligatory. As for the fact that one may stand upon 'Arafa until the break of dawn, this does not negate that spending the night at Muzdalifa is a pillar of hajj, because the night could be reserved for 'Arafa and Muzdalifa.

The Rites Which He Performed At Muzdalifa

When he stood at Muzdalifa, he informed the people that the entire area was a standing place. He then departed while accompanied by Al Fadl Bin 'Abbaas, and Usaama Bin Zayd departed on foot.

He ordered Ibn 'Abbaas to collect seven pebbles, and he said: (throw stones like these and beware of religious extremism, because it destroyed those before you).

He was confronted by an attractive woman who questioned him about hajj on behalf of her elderly father who could not remain mounted. He replied that she should perform hajj on his behalf. Thereafter, Al Fadl and the woman began to look at each other, so the prophet (may Allaah send salutations upon him) placed his hand upon his face and diverted his attention.

Al Fadl was handsome, thus it has also been said that the prophet (may Allaah send salutations upon him) diverted her attention from him.

However, the truth of the matter is that he prevented them from looking at each other.

Someone else questioned him about his mother who could not remain mounted but could die if bound, so he asked: (if your mother had a debt would not you pay it) ? He replied: yes. He said: (so perform hajj for your mother).

He proceeded swiftly upon reaching the valley where the companions of the elephant were attacked, and he did this as well when reaching the area of Thamood.

This valley lies between Muzdalifa and Mina.

He took the middle course which leads to the largest pillar and stopped at jamra al 'aqaba. He then began stoning while mounted with the house to his left and Mina to his right, and this was after sunrise.

He would cease to utter the talbiya upon stoning and would utter the takbeer upon each throw. Bilaal and Usaama stoned with him and one seized his camel while the other shielded him from the heat. This proves that a muhrim may stand in the shade of a litter etc. , provided this took place on the day of sacrifice. However, if this took place during the days of Mina, then this story is not a proof, and Allaah knows best.

The Rights Which He Performed In Mina

He returned to Mina where he delivered a profound sermon concerning the sanctity and virtue of the day of sacrifice. He also mentioned the sanctity of Makka and the necessity of obeying just leadership.

He said: (I may not perform hajj next year). As a result, he taught the people how to do so. He also commanded them not to fight one another after his death lest they become disbelievers, and he ordered that his message be conveyed.

He placed the Muhaajiroon on the right side of the qibla, the Ansaar on the left side of it, and the rest of the people around them.

Allaah allowed him to be heard as far away as Mina, and he said: (obey your lord, pray and fast, and obey authority so that you may enter paradise). He then bid the people farewell.

He was questioned about one whose head was shaved before stoning and one who slaughtered before stoning and he replied: (there is no objection). 'Abdullaah Bin 'Amr said: whenever he was questioned that day, he would reply: (there is no objection, you may do so).

Usaama Bin Shareek has said: people would say to the prophet (may Allaah send salutations upon him) : O messenger of Allaah (may Allaah send salutations upon him) , I performed tawaaf at As Safaa and Al Marwa before doing so at the house, or I did such and such before or after I was supposed to, and he would say: (there is no objection).

He then proceeded to Mina where he performed sixty-three sacrifices, and he was sixty-three years of age. He then ordered 'Alee to slaughter and to give meat to the needy, though he forbade that he give the butcher a portion of it.

One may ask: how do you respond to the narration which states that he performed seven sacrifices?

We offer the response of Ibn Hazm:

He may have performed seven sacrifices only, and he may have ordered someone else and then 'Alee to do so afterward.

One narrator may have seen him perform seven sacrifices while another may have seen him perform fifty-six sacrifices.

He may have performed seven sacrifices. Thereafter, he and 'Alee may have performed fifty-six sacrifices, and 'Alee may have continued by himself as narrators have said, and Allaah knows best.

One may ask: how do you respond to the narration which states that the messenger of Allaah (may Allaah send salutations upon him) performed thirty sacrifices?

We respond by saying that it was actually 'Alee who performed thirty sacrifices, because the prophet (may Allaah send salutations upon him) performed seven sacrifices, and then he performed an additional sixty-three sacrifices. Consequently, thirty sacrifices remained and they were performed by 'Alee.

One may ask: how do you respond to the narration which states that the prophet (may Allaah send salutations upon him) sacrificed two rams in Makka and the narration which states that he sacrificed two rams in Al Madeena?

We respond by saying that some have chosen the narration which states that the prophet (may Allaah send salutations upon him) slaughtered two rams in Al Madeena, because this narration and others state that camels were slaughtered in Makka. As for the story of the two rams, some narrators were led to believe that it took place in Mina since it took place during the 'eed.

Some such as Ibn Hazm have said that he slaughtered rams, cows, and camels on the day of sacrifice, and the following has appeared in Saheeh Muslim: the messenger of Allaah (may Allaah send salutations upon him) slaughtered a cow on behalf of 'Aa'isha on the day of sacrifice.

Ibn Hazm maintained that one who brought a sacrifice as a gift was obliged to slaughter as well. However, it has not been narrated that the prophet (may Allaah send salutations upon him) or his companions combined both sacrifices. Rather, the sacrifice which they brought was sufficient. As for the following statement of 'Aa'isha: he slaughtered cows on behalf of his wives, they performed 'umra in advance and were obliged

to offer a sacrifice as a gift. As for the narration which states that he slaughtered a cow on behalf of his nine wives, it is problematic since a cow only suffices seven people. Ibn Hazm has responded by saying that 'Aa'isha was not included since her hajj was combined, and he maintained that one who performs hajj as such is not obliged to offer a sacrifice as a gift. He supported his position with the following: Hishaam Bin 'Urwa and his father have narrated that 'Aa'isha has said: I was amongst those who had entered the ihraam of 'umra when we accompanied the messenger of Allaah (may Allaah send salutations upon him). I was menstruating on the day of 'Arafa and remained in the ihraam of 'umra, so I complained to the messenger of Allaah (may Allaah send salutations upon him). He said: (discontinue 'umra, comb your hair, and enter the ihraam of hajj). Once our hajj was complete, he sent 'Abdur Rahmaan Bin Abee Bakr and I to At Tan'eem where I entered the ihraam of 'umra. Consequently, I performed hajj and 'umra without fasting, charity, or sacrifice. Narrated by Muslim.

The early believers maintained that one who performs a combined hajj is obliged to offer a sacrifice as a gift like one who performs 'umra in advance. As for this narration, the final statement was made by Hishaam Bin 'Urwa as is stated in Saheeh Muslim. He said: she performed hajj and 'umra without fasting, charity, or sacrifice.

Ibn Hazm has said: if Wakee' attributed this statement to Hishaam, then Ibn Numayr added it to the narration of 'Aa'isha, though he is trustworthy. Rather, Wakee' attributed this statement to Hishaam because he heard him quote it, though this does not mean that it is not a statement of 'Aa'isha. However, those who are biased are critical in this regard.

I say: this approach suits his legal method as well as the legal method of those incapable of analyzing a faulty narration.

It is well known that Ibn Numayr did not say: 'Aa'isha said. Rather, he added to her narration. Consequently, the added statement could belong to him, Urwa, or Hishaam.

As for the narration which states that the prophet (may Allaah send salutations upon him) slaughtered a cow for his nine wives, there are three wordings:

He slaughtered a cow on their behalf.

He slaughtered cows on their behalf.

We received meat on the day of sacrifice, so I asked: what is this? : Someone replied: the messenger of Allaah (may Allaah send salutations upon him) slaughtered on behalf of his wives.

People have differed concerning how many people a cow and camel suffice, Ash Shaafi'ee and Ahmad have said seven and Ishaq has said ten.

Jaabir has narrated that a camel was slaughtered on behalf of ten people when he performed hajj with the messenger of Allaah (may Allaah send salutations upon him).

It has been narrated that Ibn 'Abbaas has said: we accompanied the prophet (may Allaah send salutations upon him) during a journey, and seven of us shared a cow while ten of us shared a camel.

It has been narrated that Ibn 'Abbaas has said: during the year of Al Hudaibiyah, we sacrificed a camel on behalf of seven people and a cow on behalf of seven people.

Hudhayfa has said: the messenger of Allaah (may Allaah send salutations upon him) allowed seven people to share a cow during hajj.

Aboo Muhammad has said: he slaughtered a cow as a gift on behalf of his wives. He slaughtered a cow on behalf of his wives and slaughtered two rams for himself, and he performed sixty-three sacrifices for himself.

However, the cow which he slaughtered was a gift.

The Sacrifice Of Mina

The messenger of Allaah (may Allaah send salutations upon him) performed sacrifice in Mina and he said: (all of Mina is a place of sacrifice). He also said that a ravine of Makka is a path as well as place of sacrifice. This proves that sacrifice is not confined to Mina. Similarly, he said when standing upon 'Arafa: (I stood here, though all of 'Arafa is a standing place), and he said when standing at Muzdalifa: (I stood here, though all of Muzdalifa is a standing place).

He was asked if a structure should be built to shield him from the sun, and he replied: (no, Mina is a residence for those who arrive first). This proves that it is shared by all and that one who reaches a place first is most entitled to it.

Once the messenger of Allaah (may Allaah send salutations upon him) completed sacrifice, he called a barber who shaved his head. He then pointed to the right side of his head, and once the barber finished, his hair was divided. He then pointed to the left side of his head and Aboo Talha took his hair.

Anas has said: when the messenger of Allaah (may Allaah send salutations upon him) had his head shaved, Aboo Talha was the first to take his hair.

Anas has said: once the messenger of Allaah (may Allaah send salutations upon him) stoned the pillar and performed sacrifice, the barber shaved the right side of his head. The messenger of Allaah (may Allaah send salutations upon him) then called Aboo Talha Al Ansaaree and gave him his hair. Afterward, The barber shaved the left side of his head and the messenger of Allaah (may Allaah send salutations upon him) gave him his hair and said: divide it amongst the people.

Anas has said: the prophet (may Allaah send salutations upon him) gave Aboo Talha hair from the right side of his head.

It is likely that the left side of his head was reserved for Aboo Talha, and that he gave in general and then in specific which was his practice. In fact, most narrations indicate this. For example, he divided hair from the right side of his head, and then he gave hair from the left side of his head to Umm Sulaym. However, this does not contradict the narration which states that he gave this hair to Aboo Talha, because Umm Sulaym was a woman.

The following wording has also been narrated: he gave Aboo Talha hair from the left side of his head and then he trimmed his nails. Afterward, he divided his hair and nails amongst the people.

He sought forgiveness three times for those whose heads were shaved, though he only did so once for those whose hair was cut. In fact, the majority of the companions had their heads shaved, and the most high has said: **{you shall enter the sacred masjid safely with your heads shaved and your hair cut}** [Al Fath/27].

﴿لَتَدْخُلَنَّ الْمَسْجِدَ الْحَرَامَ إِنْ شَاءَ اللَّهُ ءَامِنِينَ مُحَلِّقِينَ رُءُوسَكُمْ وَمُقَصِّرِينَ﴾ [الفتح: 27]

His Guidance Concerning Tawaaf Al Ifaada

He rode to Makka before the afternoon prayer in order to perform tawaaf al ifaada, though he performed no other tawaaf, nor did he go between As Safaa and Al Marwa.

One group has claimed that he performed tawaaf al qudoom and then tawaaf al ifaada. A second group has claimed that he performed tawaaf and went between As Safaa and Al Marwa since his hajj was combined, and a third group has claimed that he performed tawaaf during the night. In any event, we will tell what actually took place while revealing the cause of this misconception, and with Allaah lies success.

Al Athram has said: I asked Aboo 'Abdillaah: once one who has performed 'umra in advance returns, how many times does he perform tawaaf at the house and As Safaa and Al Marwa? He replied: he does so once for his hajj, though he performs a second tawaaf as a visit. Aboo Muhammad Al Maqdisee has said in Al Mughnee: this also applies to one who performs a separate or combined hajj if he has not reached Makka before the day of sacrifice and has not performed tawaaf al qudoom. This has been stated by Ahmad who has relied upon the following narration of 'Aa'isha: those who had entered the ihraam of 'umra performed tawaaf at the house and between As Safaa and Al Marwa, and then they left ihraam. Thereafter, they performed tawaaf for their hajj upon their return from Mina. Whereas, those who had combined hajj and 'umra performed one tawaaf.

Ahmad has said: tawaaf al qudoom remained outstanding after tawaaf al ifaada.

Al Kharqee has said: one who has performed 'umra in advance performs tawaaf at the house and As Safaa and Al Marwa as he did previously, then he returns to perform tawaaf at the house as a visit, and the most high has said: **{perform tawaaf at the ancient house}** [Al Hajj/29].

﴿وَلْيَطُوفُوا بِالْبَيْتِ الْعَتِيقِ﴾ [الحج: 29]

Al Qaadee and his companions have said that the prophet (may Allaah send salutations upon him) performed hajj as such, though Aboo Muhammad has said: I know of none who has affirmed the tawaaf which Al Kharqee has mentioned. Rather, one tawaaf is performed as a visit. Similarly, if one enters the masjid once prayer has begun, a greeting is unnecessary.

It has not been narrated that the prophet (may Allaah send salutations upon him) or his companions performed this tawaaf when performing 'umra in advance. This has been proven by 'Aa'isha who said: thereafter, they performed tawaaf for their hajj upon their return from Mina. This was tawaaf al ifaada, though if it were not, then 'Aa'isha would have neglected to mention the tawaaf which is a pillar of hajj. In any event, she only mentioned one tawaaf, so how could her statement be used to prove otherwise? In addition, she joined hajj with 'umra as commanded by the prophet (may Allaah send salutations upon him) during her menstrual cycle, though she did not perform tawaaf al qudoom.

If tawaaf al qudoom could remain outstanding after tawaaf al ifaada, it would accompany the tawaaf of an 'umra performed in advance, because one performing 'umra in advance has recently arrived unlike one who has returned after performing tawaaf.

I say: although none has said that the prophet (may Allaah send salutations upon him) or his companions performed tawaaf al qudoom and then tawaaf al ifaada upon returning from 'Arafa, it remains to be said that the mother of the believers differentiated between one performing 'umra in advance and one performing a combined hajj. As a result, she narrated that those who had performed a combined hajj performed one tawaaf upon returning from Mina. Whereas, she narrated that those who had entered the ihraam of 'umra performed tawaaf for hajj upon returning from Mina, though this was not tawaaf al ifaada.

When Aboo Muhammad saw what she said about those who had performed 'umra in advance, he said that her statement did not indicate that they had performed tawaaf twice, and this is correct. However, it remains to be said that the tawaaf in question was performed at As Safaa and Al Marwa and not at the house. Rather, 'Aa'isha narrated that those whose hajj was combined performed one tawaaf, and this is correct. She also narrated that those whose 'umra was separate performed tawaaf for hajj upon returning

from Mina. As for the former tawaaf, the majority have said that it was for 'umra.

Jaabir has narrated the following: the prophet (may Allaah send salutations upon him) nor his companions went between As Safaa and Al Marwa more than once, and it has been narrated that Ahmad has stated this. In light of this, it should be said that the narration of 'Aa'isha is affirmative while the narration of Jaabir is negative, and an affirmative narration is preferred in this case. It could also be said that Jaabir referred to those such as Aboo Bakr, 'Umar, Talha, and 'Alee who had combined hajj and 'umra while bringing a sacrifice, or it could be said that a statement of Hishaam was added to the narration of 'Aa'isha.

The companions of Ash Shaafi'ee say that one who has performed 'umra in advance performs tawaaf al qudoom upon entering the ihraam of hajj and goes between As Safaa and Al Marwa before proceeding to Mina, though I am not certain that Ash Shaafi'ee has said this.

Aboo Muhammad has said: the prophet (may Allaah send salutations upon him) nor his companions did this. Ibn 'Abbaas has said: I hold that the people of Makka should perform tawaaf at the house and As Safaa and Al Marwa after entering ihraam for hajj upon returning from Mina. This was said by Aboo Haneefa, Maalik, Ahmad, Ishaq and others.

Those who have preferred this practice have said: one who enters the ihraam of hajj is like one who has recently arrived, thus he performs tawaaf al qudoom and goes between As Safaa and Al Marwa. They have also said: since the first tawaaf is for 'umra, tawaaf al qudoom remains outstanding, and they have preferred that it be performed upon entering the ihraam of hajj. However, the tawaaf which was performed during 'umra is a substitute for tawaaf al qudoom. Similarly, if one reaches the masjid during prayer, he is not obliged to greet the masjid, because the former prayer is a substitute.

When the companions entered the ihraam of hajj with the prophet (may Allaah send salutations upon him), they did not perform tawaaf shortly thereafter, although most of them had performed 'umra in advance.

Muhammad Bin Al Hasan has narrated that Aboo Haneefa has said: if one enters ihraam before noon on the eighth of Dhool Hijja, he performs tawaaf al qudoom and goes between As Safaa and Al Marwa. However, it is the view of Ibn 'Abbaas and the majority which is correct, and success lies with Allaah.

The second group has said: one goes between As Safaa and Al Marwa when performing this tawaaf, and this proves that one performing a combined hajj must perform tawaaf twice at the house and As Safaa and Al Marwa. However, the truth of the matter is that one goes between As Safaa and Al marwa once, i. e. the first tawaaf. This is what Jaabir and 'Aa'isha have said and narrations which state otherwise are unreliable as has preceded.

The third group has said: tawaaf al ifaada is delayed until evening, and this was the view of Taawoos, Mujaahid, and 'Urwa.

Ibn 'Abbaas and 'Urwa have narrated that the prophet (may Allaah send salutations upon him) delayed tawaaf until evening on the day of sacrifice, and it has also been narrated that it was tawaaf al ifaada.

We will mention what has been said about this narration. Aboo Al Hasan Al Qattaan has said: I do not consider this narration reliable. Rather, the prophet (may Allaah send salutations upon him) performed tawaaf during the day.

It was not known if he had performed the afternoon prayer in Makka or Mina after performing tawaaf. As a result, Ibn 'Umar said that he performed the afternoon prayer in Mina while Jaabir said that he did so in Makka, and another narration of 'Aa'isha suggests this. Whereas, it has only been narrated via Ibn Az Zubayr that the prophet (may Allaah send salutations upon him) delayed tawaaf until evening. In addition, Ibn Az Zubayr has not mentioned that he heard this from 'Aa'isha or Ibn 'Abbaas.

Aboo Salama Bin 'Abdir Rahmaan has narrated that 'Aa'isha has said: we performed tawaaf al ifaada on the day of sacrifice when performing hajj with the messenger of Allaah (may Allaah send salutations upon him).

Muhammad Bin Ishaq, 'Abdur Rahmaan Bin Al Qasim, and his father have narrated that 'Aa'isha has said: the prophet (may Allaah send salutations upon him) allowed his companions to visit the house on the day of sacrifice during the afternoon, and he and his wives did so during the evening. However, this is incorrect.

Al Bayhaqee has said: the most reliable narrations have been relayed via Naafi' and Ibn 'Umar, Aboo Salama and 'Aa'isha, and Jaabir, i. e. that the prophet (may Allaah send salutations upon him) performed tawaaf during the afternoon.

I say: it was tawaaf al wadaa' which the prophet (may Allaah send salutations upon him) delayed until evening, and 'Aa'isha has said: we completed tawaaf late that night, and then he asked: (have you finished) ? We replied: yes, so he allowed the people to depart and proceeded to the house where he performed tawaaf. Thereafter, he returned to Al Madeena. Narrated by Al Bukhaaree and Muslim.

He did not walk briskly during tawaaf al ifaada or tawaaf al wadaa'. Rather, he did so during tawaaf al qudoom.

His Guidance Concerning ZamZam

He reached ZamZam after performing tawaaf and said: (I would drink with you if the people would not overwhelm you). He then received water which he drank while standing, and it has been said that this act was no longer prohibited once he did so. It has also been said that he demonstrated

that one could drink while standing due to necessity, and this is more apparent.

Did he perform tawaaf walking or riding? Jaabir has said: the messenger of Allaah (may Allaah send salutations upon him) performed tawaaf while riding during the farewell hajj, and he greeted the corner with his cane to become visible. Narrated by Muslim.

Ibn 'Abbaas has said: the prophet (may Allaah send salutations upon him) performed tawaaf while riding during the farewell pilgrimage, and he greeted the corner with his cane. Narrated by Al Bukhaaree and Muslim.

This was not tawaaf al wadaa' or tawaaf al qudoom, because it has been verified that he walked briskly during tawaaf al qudoom. In addition, Ash Shareed Bin Suwayd has said: I proceeded with the messenger of Allaah (may Allaah send salutations upon him) and his feet did not touch the ground until he reached Muzdalifa.

This does not negate the two bowings of tawaaf which he performed. However, it appears that Ash Shareed Bin Suwayd meant that he proceeded from 'Arafa with the messenger of Allaah (may Allaah send salutations upon him), because he said that he reached Muzdalifa. Consequently, it appears that he did not mean that he performed tawaaf al ifaada on the day of sacrifice. However, this does not negate that he dismounted in order to urinate.

His Procession On The Day Of Sacrifice And His Afternoon Prayer In Makka

He returned to Mina, though there is a discrepancy concerning where he performed the afternoon prayer. Ibn 'Umar has narrated that he proceeded on the day of sacrifice and returned to Mina to perform the afternoon prayer. Narrated by Al Bukhaaree and Muslim.

Jaabir and 'Aa'isha have narrated that the prophet (may Allaah send salutations upon him) performed the afternoon prayer in Makka. Narrated by Muslim.

Aboo Muhammad Bin Hazm has said: the statement of Jaabir and 'Aa'isha is preferred, and others have supported this statement for the following reasons:

The narration of two people is more preferable than the narration of one person.

'Aa'isha was the closest to the prophet (may Allaah send salutations upon him).

The account which Jaabir gave of the hajj of the prophet (may Allaah send salutations upon him) is more accurate and complete than any other narration. In fact, he mentioned an act unrelated to hajj, i. e. that the prophet (may Allaah send salutations upon him) stopped to urinate during the night

of Muzdalifa, and that he performed a light ablution afterward. Consequently, if he could recall an event like this, then he could recall where the prophet (may Allaah send salutations upon him) performed prayer on the day of sacrifice.

He departed Muzdalifa before sunrise. Once he reached Mina, he delivered a sermon, slaughtered and cooked a camel, stoned the pillar, shaved his head, proceeded to perform tawaaf, and drank from the well of ZamZam. Consequently, it seems that he could not have returned to Mina in time to perform the afternoon prayer.

It was the practice of the prophet (may Allaah send salutations upon him) to perform prayer at home during hajj, so Ibn 'Umar narrated what was customary while Jaabir and 'Aa'isha narrated what was not. As a result, their narration is preferable, though some have chosen the narration of Ibn 'Umar for the following reasons:

Had the prophet (may Allaah send salutations upon him) performed the afternoon prayer in Makka, the companions would have prayed behind another imaam. However, this has not been narrated.

Had he performed the afternoon prayer in Makka, he would have ordered the residents to complete their prayer. However, this has not been narrated. As for the following: (O people of Makka, complete your prayer, because we are en route) , this was during the conquest and not during hajj.

It is well known that he performed two bowings of tawaaf in the midst of many people who observed him, so perhaps it was assumed that he performed the afternoon prayer.

It has not been narrated that he performed prayer within Makka during hajj. Rather, he would do so at home.

Al Bukhaaree as well as Muslim have agreed upon the narration of Ibn 'Umar unlike the narration of Jaabir. In addition, those who have narrated via Ibn 'Umar are more reliable than those who have narrated via Jaabir.

The tawaaf of the prophet (may Allaah send salutations upon him) has been narrated inconsistently via 'Aa'isha.

It has been narrated that he performed tawaaf during the afternoon.

It has been narrated that he delayed tawaaf until evening.

It has been narrated that he performed tawaaf during the final day of his stay.

Muhammad Bin Ishaq, 'Abdur Rahmaan Bin Al Qaasim, and his father have narrated via 'Aa'isha, though there is a discrepancy concerning the reliability of Muhammad Bin Ishaq. In addition, he has not stated that he heard this narration from 'Abdur Rahmaan Bin Al Qaasim, so how could he be more preferable than 'Ubaydullaah who said: Naafi' has informed me that Ibn 'Umar has said?

The narration of 'Aa'isha does not clearly state that the prophet (may

Allaah send salutations upon him) performed prayer in Makka. Rather, it states that he performed tawaaf al ifaada during the final day of his stay once he performed the afternoon prayer. Whereas, the narration of Ibn ‘Umar states that he performed tawaaf al ifaada on the day of sacrifice before performing the afternoon prayer in Mina, i. e. upon his return. In addition, Al Bukhaaree as well as Muslim have agreed upon the narration of Ibn ‘Umar unlike the narration of Jaabir.

Ibn Hazm has said: Umm Salama performed Tawaaf while riding behind the people, and the prophet (may Allaah send salutations upon him) allowed her to do so. He has relied upon the following: Zaynab Bint Umm Salama has narrated that Umm Salama has said: I complained to the prophet (may Allaah send salutations upon him) , so he said: (perform tawaaf while riding behind the people). She said: I did so as he performed prayer beside the house, and he recited: **{by Mt. Sinai and the Torah}** [At Toor/1-2].

﴿وَالطُّورِ ۝١﴾ وَكَتَبَ مَسْطُورِ ﴿٢﴾ [الطور: 1-2]

It is not apparent that this was tawaaf al ifaada, because the prophet (may Allaah send salutations upon him) did not recite At Toor during that tawaaf, and recitation is not audible during the day. In addition, Aboo Muhammad has proven that those who say that he delayed tawaaf al ifaada until evening are mistaken.

The prophet (may Allaah send salutations upon him) sent Umm Salama to stone on the eve of the day of sacrifice, and then she proceeded to perform tawaaf al ifaada, so how could she have done so on the day of sacrifice?

As for the aforementioned prayer, it was either the dawn, sunset, or evening prayer, thus Aboo Muhammad was mistaken.

‘Aa’isha performed one tawaaf at the house and As Safaa and Al Marwa which was sufficient for her hajj and ‘umra. Safiyya performed tawaaf before menstruating, and tawaaf al wadaa did not remain outstanding, nor did she perform it. Consequently, a prophetic tradition was established, namely that a woman who begins to menstruate before tawaaf or ‘Arafa should combine hajj and perform tawaaf once at the house and As Safaa and Al Marwa, and that a woman who begins to menstruate after tawaaf or ‘arafa is not obliged to perform tawaaf al wadaa’.

His Guidance Concerning Stoning

He then returned to Mina where he spent the night. Once the sun had risen, he walked to the first pillar and stoned it with seven pebbles, and he uttered the takbeer upon each throwing. He then advanced where he faced the qibla and raised his hands while supplicating for the duration of Al Baqara. Thereafter, he advanced to the second pillar, he then faced the qibla with his hands raised while supplicating as he did previously. He then

reached the third pillar where he stood with Mina on his right side and the house on his left side.

He did not stone the top of the pillar, nor did he stand on the left side of it while facing the qibla.

Once he finished stoning, he did not remain standing, and it has been said that this was due to constraint. It has also been said that he supplicated while performing an act of worship which is better than doing so afterward, thus he did not remain standing, and this opinion is more accurate. Similarly, he would supplicate during prayer but not afterward. As for those who have narrated otherwise, they are mistaken.

Undoubtedly, he would usually supplicate during prayer and not afterward. As for the following narration of Mu'aadh Bin Jabl: (do not forget to say at the end of each prayer: O Allaah, assist me to remember you, to thank you, and to worship you well) , he meant before the greeting. However, when he said: (utter the tasbeeh, takbeer, and tahmeed at the end of each prayer) , he meant after the greeting, and Allaah knows best.

The Time Of Stoning

Did he stone before the afternoon prayer? It seems that he did, because Jaabir and others have said: he would stone at noon. In addition, stoning is performed at noon during the days of Mina and it is performed at sunrise on the day of sacrifice.

The prophet (may Allaah send salutations upon him) did not delay stoning on the day of sacrifice in order to perform another act of worship. In addition, Ibn 'Abbaas has said: the messenger of Allaah (may Allaah send salutations upon him) would stone at noon. Narrated by At Tirmidhee, and Ibn Maaja has added: once he finished stoning, he would perform the afternoon prayer. At Tirmidhee has said: hasan, though Al Hajjaaj Bin Arta'a is in his chain, and Ibraaheem Bin 'Uthmaan Aboo Shayba is in the chain of Ibn Maaja. However, no other narration exists in this regard.

Ahmad has mentioned that he would stone while riding on the day of sacrifice and would do so while walking during the days of Mina.

His Supplication

He supplicated in six places during hajj:

1. As Safaa
2. Al Marwa
3. 'Arafa
4. Muzdalifa
5. the first pillar
6. the second pillar

His Sermon During The Days Of Mina

He delivered one sermon on the day of sacrifice and another sermon on

second day of Mina, and this has been considered the second day of sacrifice. Those who believe so rely upon the following: Saraa Bint Nabahaan has said: I have heard the messenger of Allaah (may Allaah send salutations upon him) ask: (do you know which day this is) ? I replied: you refer to this day as Yawm Ar Ru'oos, and others replied: Allaah and his messenger know best. He said: (this is the second day of tashreeq). He then asked: (do you know which land this is) ? Others replied: Allaah and his messenger know best. He said: (this is the sacred land). He then said: (I do not know if we will meet again next year. Your lives, wealth, and honor are as sacred as this day, month, and land. When you meet your lord, he will ask you about your deeds, so may those who are nearest inform those who are farthest. Have I conveyed the message) ? Once we reached Al Madeena, he died a few days later (may Allaah send salutations upon him). Narrated by Aboo Daawud.

It is agreed upon that Yawm Ar Ru'oos is the second day of sacrifice.

It has been narrated that Ibn 'Umar has said: An Nasr was revealed to the messenger of Allaah (may Allaah send salutations upon him) during the second day of tashreeq, and he knew that his departure was near, so he addressed the people saying: (O people...). He then mentioned his sermon.

Those Who May Spend The Night Away From Mina

The prophet (may Allaah send salutations upon him) allowed Al 'Abbaas Bin 'Abdil Muttalib to spend the night in Makka during the days of Mina in order to give water.

He allowed camel herders outside Mina to stone on the day of sacrifice and to perform two days of stoning during the following day or the day after.

Ibn 'Uyayna has said: although they were allowed to spend the night away from Mina, they were obliged to stone. In fact, they were allowed to do so at night. They were also allowed to perform two days of stoning in one day.

Since the prophet (may Allaah send salutations upon him) conceded in the previous two cases, it may be inferred that one who is ill or fears for an ill companion or his wealth may spend the night away from Mina, and Allaah knows best.

The Nights Which He Spent In Mina

He did not finish stoning in two days. Rather, he did so in three days. He then went to the valley of Banoo Kinaana where he found Aboo Raafi' who erected a dome for him. He remained there until the evening prayer and proceeded to Makka. Once he arrived, he performed tawaaf al wadaa' without proceeding briskly.

'Aa'isha wished to perform a separate 'umra, so he informed her that her

tawaaf at the house and As Safaa and Al Marwa was sufficient for her hajj and 'umra. However, she insisted that she should perform a separate 'umra, so he commanded her brother 'Abdur Rahmaan to bring her to At Tan'eem in order to do so. Once she completed 'umra, her and 'Abdur Rahmaan came to the valley of Banoo Kinaana, and the messenger of Allaah (may Allaah send salutations upon him) asked: (have you finished) ? She replied: yes. Thereafter, the people departed and he performed tawaaf at the house before the dawn prayer.

This is the wording of Al Bukhaaree.

One may say: 'Aa'isha has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) while certain that we had only intended hajj...I said: O messenger of Allaah (may Allaah send salutations upon him) , the people will return having performed hajj and 'umra while I have only performed hajj. He asked: (did you not perform tawaaf upon our arrival) ? I replied: no. he said: (then go with your brother to At Tan'eem and enter the ihraam of 'umra). Thereafter, the messenger of Allaah (may Allaah send salutations upon him) found me as he ascended departing Makka and I descended approaching it, or the reverse. Narrated by Al Bukhaaree and Muslim.

This narration states that they met while en route, though the previous narration states that he awaited her.

Aboo Muhammad has said: the truth of the matter is that she was departing Makka and he was approaching it, because she had already performed 'umra and the messenger of Allaah (may Allaah send salutations upon him) had waited for her, then he performed tawaaf al wadaa' once she arrived. Consequently, they met while she was going to the valley of Banoo Kinaana.

This is incorrect, because her statement necessitates that they met after the departure from Makka, so how could Aboo Muhammad say that he had performed tawaaf al wadaa' and was going to Makka? As for the previous narration, it states that the messenger of Allaah (may Allaah send salutations upon him) awaited 'Aa'isha and allowed the people to depart upon her arrival. As a result, if the narration of Al Aswad is more preferable, it should read: the messenger of Allaah (may Allaah send salutations upon him) found me as I ascended from Makka and he descended upon it. Reason being, she had completed 'umra and had ascended to meet him while he was descending to perform tawaaf al wadaa', and he then allowed the people to depart.

There are two other interpretations, though both are erroneous.

Some have said that he performed tawaaf al wadaa' twice, i. e. before 'Aa'isha performed 'umra and afterward. Although this is obviously erroneous, the truth remains unclear.

Others have said that he left the valley of Banoo Kinaana to go to the pillar of 'aqaba, and that he found 'Aa'isha descending upon Makka. However, this interpretation is worse than the first one, because he did not depart from there. Rather, he emerged from Makka upon the lower path, and this is agreed upon.

Aboo Muhammad has mentioned that he returned upon the lower path and ordered the people to depart. However, this is also erroneous, because he did not return to the valley of Banoo Kinaana after performing tawaaf al wadaa'. Rather, he immediately proceeded toward Al Madeena.

Aboo Muhammad has mentioned in some of his works that he wished to revolve around Makka, thus he lodged at Dhoo Tuwa, entered Makka upon the upper path, emerged upon the lower path, and returned to the valley of Kinaana. Aboo Muhammad has also said that when he returned to the valley of Banoo Kinaana, he found a group, thus he ordered the people to depart twice before returning to Al Madeena.

We would prefer to avoid nonsense like this, though misconceptions must be highlighted. The prophet (may Allaah send salutations upon him) reached the valley of Banoo Kinaana where he performed the afternoon, late afternoon, sunset, and evening prayers. He then proceeded to Makka where he performed tawaaf al wadaa'. Afterward, he emerged upon the lower path without returning to the valley of Banoo Kinaana, thus he did not revolve around Makka.

Anas has narrated that the messenger of Allaah (may Allaah send salutations upon him) performed the afternoon, late afternoon, sunset, and evening prayers in the valley of Kinaana before riding to the house where he performed tawaaf. Narrated by Al Bukhaaree.

'Aa'isha has said: once we had completed hajj, we came to the valley of Banoo Kinaana, and the messenger of Allaah (may Allaah send salutations upon him) called 'Abdur Rahmaan Bin Abee Bakr and said to him: (perform tawaaf with your sister then meet me here). We completed 'umra late that night, and then we came to the valley of Kinaana where he asked: (have you finished) ? We replied: yes, so he allowed the people to depart. He then proceeded to the house where he performed tawaaf before returning to Al Madeena. Narrated by Al Bukhaaree and Muslim.

This is one of the most reliable narrations on the face of the earth, and it refutes Ibn Hazm and others. It also proves that the narration of Al Aswad is not more preferable, and even it were, it would have to be read as has preceded.

The early believers have differed concerning whether or not it is a prophetic tradition to dwell in the valley of Banoo Kinaana during hajj. Aboo Hurayra has narrated that the messenger of Allaah (may Allaah send salutations upon him) said before departing Mina: (tomorrow we will dwell

in the valley of Banoo Kinaana where they vowed infidelity, if Allaah has willed). Narrated by Al Bukhaaree and Muslim.

The tribes of Quraysh and Banoo Kinaana vowed to sever ties with Banoo Haashim and Banoo Al Muttalib unless they surrendered the messenger of Allaah (may Allaah send salutations upon him). Consequently, the prophet (may Allaah send salutations upon him) intended for Islaam to be represented where hostility was displayed toward Allaah and his messenger. Similarly, he ordered that a masjid be built upon the location of Al Laat and Al 'Uzza.

Ibn 'Umar has narrated that the prophet (may Allaah send salutations upon him) , Aboo Bakr, and 'Umar used to dwell in the valley of Banoo Kinaana. Narrated by Muslim.

Others such as Ibn 'Abbaas and 'Aa'isha maintained that it was not a prophetic tradition to dwell in the valley of Banoo Kinaana, and it has been narrated that Ibn 'Abbaas has said: the valley of Banoo Kinaana is nothing, it is just a place where the messenger of Allaah (may Allaah send salutations upon him) resided. Narrated by Muslim.

Aboo Raafi' has said: the messenger of Allaah (may Allaah send salutations upon him) did not order me to go to the valley of Banoo Kinaana. Rather, I erected a dome for him and he arrived. Narrated by Muslim.

The House

Did the messenger of Allaah (may Allaah send salutations upon him) enter the house during hajj? Did he stand at Al Multazam after tawaaf al wadaa', and did he perform the dawn prayer in Makka?

As for the first issue, many legal experts claim that he entered the house during hajj, and many people believe that this is a prophetic tradition. However, the prophetic tradition indicates that he did not enter the house during hajj or 'umra, but rather during the the conquest.

Ibn 'Umar has said: the messenger of Allaah (may Allaah send salutations upon him) entered Makka during the conquest upon a camel belonging to Usaama. He then asked 'Uthmaan Bin Talha for the key to the house and he, Usaama, Bilaal, and 'Uthmaan Bin Talha entered it. Afterward, they closed the door and then they opened it and 'Abdullaah said: I found Bilaal at the door, so I asked: where did the messenger of Allaah (may Allaah send salutations upon him) pray? He replied: between the two pillars. However, I forgot to ask about the duration of his prayer. Narrated by Al Bukhaaree and Muslim.

Ibn 'Abbaas has narrated that the messenger of Allaah (may Allaah send salutations upon him) refused to enter the house while idols were inside it,

so he ordered that they be removed, and the statues of Ibraaheem and Ismaa'eel who were holding arrows were also removed. Afterward, he said: (may Allaah fight them. By Allaah, they knew that Ibraaheem and Ismaa'eel never relied upon arrows). Narrated by Al Bukhaaree.

He entered the house and uttered the takbeer, though he did not perform prayer. However, some have said that he entered the house twice and performed prayer once, though this is the approach of those who lack analysis. Whenever they find a divergent narration, they say that it is a separate account. Similarly, they have said that he repeated the night journey, bought a camel from Jaabir twice, and performed tawaaf al wadaa' twice.

As for those who are critical, they avoid this approach, and they highlight the mistakes of others without trepidation.

Al Bukhaaree and others have said that the statement of Bilaal is preferred since he witnessed the prayer of the prophet (may Allaah send salutations upon him) unlike Ibn 'Abbaas. However, he entered the house during the conquest and not during hajj or 'umra.

Ismaa'eel Bin Abee Khaalid has said: I asked 'Abdullaah Bin Abee Awfa if the prophet (may Allaah send salutations upon him) entered the house during 'umra? He replied: no. Narrated by Al Bukhaaree.

'Aa'isha has said: the messenger of Allaah (may Allaah send salutations upon him) left me in good spirits, then he returned despondent. As a result, I said: O messenger of Allaah, you left me in good spirits. He said: (I entered the ka'ba, though I wish that I did not, because I fear that I have troubled my nation).

If you were to reflect, you would realize that he said this during the conquest, and Allaah knows best.

His Guidance Concerning Multazam

As for the second issue, it has been narrated that he stood at Multazam during the conquest, and 'Abdur Rahmaan Bin Abee Safwaan has said: when the messenger of Allaah (may Allaah send salutations upon him) conquered Makka, I saw him and his companions emerge from the ka'ba, and his companions greeted the corner and placed their cheeks against the house. Narrated by Aboo Daawud.

'Amr Bin Shu'ayb and his father have narrated that his grandfather has said: I performed tawaaf with 'Abdullaah, and when he reached the back of the ka'ba, I asked: will you not seek protection? He replied: we seek the protection of Allaah from the fire. He then greeted the stone. Thereafter, he stood between the door and the corner and placed his chest, face, and arms against the house. He said: this is what I saw the messenger of Allaah (may Allaah send salutations upon him) do.

This could possibly have been during tawaaf al wadaa', and Mujaahid, Ash Shaafi'ee, and others have said that it is preferred that one stand at Multazam after tawaaf al wadaa' in order to supplicate. In fact, Ibn 'Abbaas has said: if one asks of Allaah the most high while standing at Multazam, he will grant him whatever he desires, and Allaah knows best.

Where He Performed The Dawn Prayer During The Night Of Al Wadaa'

As for the third issue, Umm Salama has said: I complained to the messenger of Allaah (may Allaah send salutations upon him) , so he said: (perform tawaaf while riding behind the people). I then performed tawaaf as he prayed beside the house, and he recited At Toor. This could have been during the dawn prayer as well as tawaaf al wadaa'.

When the prophet (may Allaah send salutations upon him) and Umm Salama wished to depart, he said: (perform tawaaf upon your camel once the dawn prayer begins).

This surely could not have been the day of sacrifice, thus it appears that he performed the dawn prayer at the house while reciting At Toor.

His Return To Al Madeena

Once he reached Ar Rawhaa, he greeted a caravan and asked: (who are you) ? They replied: we are Muslim, who are you? He replied: (the messenger of Allaah). Consequently, a woman raised her child and asked: O messenger of Allaah, can he perform hajj? He replied: (yes, and you will be rewarded).

He spent the night at Dhool Hulayfa, and once he saw Al Madeena, he said the following three times: (there is no deity worthy of worship except Allaah who is alone. Praise and dominion belong to him and he is completely capable. We return having repented while worshipping and praising our lord. Allaah has kept his promise, has aided his slave, and has defeated the allies).

Misconceptions

Aboo Muhammad has said the following concerning the farewell hajj: the prophet (may Allaah send salutations upon him) informed the people upon his departure that 'umra in Ramadaan is the equivalent of hajj.

Rather, he said upon returning to Al Madeena: (when Ramadaan arrives, perform 'umra, because 'umra in Ramadaan is the equivalent of hajj). Narrated by Muslim.

He also said: (if you do not perform hajj with us, then perform 'umra during Ramadaan, because it is the equivalent of hajj). Narrated by Aboo Daawud.

Aboo Muhammad has said that the prophet (may Allaah send salutations upon him) proceeded to hajj on a Thursday six days before the end of Dhool Qa'da. However, he did so on a Saturday five days before the end of Dhool

Qa'da as has preceded.

At Tabaree has mentioned in Hajja Al Wadaa' that he departed on Jumu'a after prayer. However, he was misled due to the following statement: he departed six days before the end of Dhool Hijja. As a result, he believed that he must have departed on Jumu'a since Dhool Hijja began on a Thursday, but it is well known that he performed the entire afternoon prayer on the day of his departure.

At Tabaree has also mentioned in the same book that he departed on a Saturday, and this was the choice of Al Waaqidee which we prefer as well. However, Al Waaqidee made three mistakes.

He claimed that the prophet (may Allaah send salutations upon him) reduced the afternoon prayer at Dhool Hulayfa upon the day of his departure.

He claimed that he entered ihraam shortly thereafter, though he actually did so the next day.

He claimed that the standing was on Saturday, though this is clearly erroneous.

Al Qaadee 'Iyyaad and others were led to believe that he removed his fragrance when bathing due to the following narration of 'Aa'isha: I applied fragrance to the messenger of Allaah (may Allaah send salutations upon him) , then he joined his wives. Once he awoke, he entered ihraam. However, the following statement of 'Aa'isha clarifies this misconception: I applied fragrance to the messenger of Allaah (may Allaah send salutations upon him) for his ihraam. She has also said:

I can still see the shine of his fragrance.

He continued to utter the talbiya three days after entering the ihraam.

When the messenger of Allaah (may Allaah send salutations upon him) wished to enter ihraam, he would apply the finest fragrance available. Thereafter, one could see the shine of his fragrance within his hair and beard.

All which has preceded appears in Al Bukhaaree.

Aboo Muhammad has said that he entered ihraam before the afternoon prayer, though this has not been narrated. Rather, he did so shortly afterward in his place of prayer. Thereafter, he mounted his camel and ascended Al Baydaa.

Aboo Muhammad has said that the sacrifice which he brought was voluntary due to his unique assertion that one performing a combined hajj is not obliged to bring a sacrifice unlike one performing 'umra in advance.

Some have said:

He entered a general ihraam.

He entered the ihraam of 'umra which he performed in advance.

He entered the ihraam of hajj without performing 'umra.

He entered the ihraam of 'umra and then hajj.

He entered the ihraam of hajj and then 'umra which only he could do.

At Tabaree has said in Hajja Al Wadaa' that Aboo Qataada hunted a wild donkey before entering ihraam, thus the prophet (may Allaah send salutations upon him) ate some of it. Rather, this was during the 'umra of Al Hudaibiyya as Al Bukhaaree has narrated.

At Tabaree has narrated that he entered Makka on a Tuesday, though this is incorrect. Rather, he did so on the fourth of Dhool Hijja which was a Sunday.

Al Qaadee Aboo Ya'la and others have said that he left ihraam after performing tawaaf at the house and As Safaa and Al Marwa. However, we have mentioned that this is based upon the misconception of Mu'aawiya, or the one who narrated that he cut the hair of the messenger of Allaah (may Allaah send salutations upon him) upon Al Marwa during hajj.

Some have claimed that he used to kiss the Yemeni corner during tawaaf, though he actually kissed the black stone which was referred to as the Yemeni corner.

Aboo Muhammad has said that he proceeded briskly between As Safaa and Al Marwa for the first three circuits and walked for the remaining four circuits, though he was utterly mistaken. It is even more astonishing that he narrated a consensus in this regard when he was the only one who maintained this position.

Some have claimed that he went between As Safaa and Al Marwa fourteen times, or that his going to and from equaled one circuit.

Some have claimed that he performed the dawn prayer early on the day of sacrifice based upon the narration of Ibn Mas'ood. However, he meant that he did so earlier than usual, and this interpretation is imperative. In addition, Ibn Mas'ood has narrated that the prophet (may Allaah send salutations upon him) has said: (they are two prayers whose times have changed, thus the sunset prayer is performed once the people reach Al Muzdalifa and the dawn prayer is performed as the sun rises). Narrated by Al Bukhaaree.

It has been said that he performed the afternoon, late afternoon, sunset, and evening prayers upon 'Arafa with a second adhaan and iqaama.

It has been said that he performed these prayers with a second iqaama and no adhaan.

It has been said that he joined prayer with an iqaama, though the truth of the matter is that he joined prayer with an adhaan and an iqaama for each prayer.

Some have claimed that he delivered a sermon upon 'Arafa which he completed after the adhaan, though this has not been narrated. In fact, the narration of Jaabir states that Bilaal called to prayer once the sermon was finished.

Aboo Thawr has said that he ascended before the call to prayer and delivered a sermon thereafter, though this is clearly erroneous. Rather, the sermon preceded the adhaan.

Some have said that he ordered Umm Salama to perform the dawn prayer in Makka.

Some have said that he delayed tawaaf al ifaada until evening on the day of sacrifice, though it was tawaaf al wadaa' which he delayed until evening. As for the apparent cause of this misconception, 'Aa'isha has said: the messenger of Allaah (may Allaah send salutations upon him) delayed tawaaf al ifaada until the final day.

Some have said that he performed tawaaf al ifaada alone during the afternoon and with his wives during the evening, this is due to the narration of 'Aa'isha which states that he allowed his companions to visit the house on the day of sacrifice while he did so with his wives that evening. However, it has been narrated via 'Aa'isha that he performed tawaaf al ifaada once during the day, and this is correct.

Some have claimed that he performed tawaaf al qudoom on the day of sacrifice before performing tawaaf al ifaada.

Some have claimed that he went between As Safaa and Al Marwa when performing tawaaf. As a result, they assert that one must do so twice when performing a combined hajj. However, Jaabir and 'Aa'isha have said that he only did so once.

Some have said that he performed the afternoon prayer in Makka, though the truth of the matter is that he did so in Mina.

Some have claimed that he did not traverse the valley swiftly when going from Muzdalifa to Mina. However, this is a prophetic tradition which has been narrated by:

Jaabir

'Alee Bin Abee Taalib

Al 'Abbaas Bin Abee Al Muttalib

In addition, this practice was observed by:

'Umar Bin Al Khattaab

Ibn Az Zubayr

'Aa'isha

It is the affirmative narration which is accepted in this regard and not the negative narration, and Allaah knows best.

Taawoos and others believed that the prophet (may Allaah send salutations upon him) went to the house every evening during the nights of Mina, and Al Bukhaaree has said: Ibn 'Abbaas has narrated that the prophet (may Allaah send salutations upon him) used to visit the house during the days of Mina. However, he did not return to Makka after performing tawaaf al ifaada, and he remained in Mina until performing tawaaf al wadaa', and

Allaah knows best.

Some have said that he performed tawaaf al wadaa' twice.

Some have said that he returned to the valley of Banoo Kinaana, thus he revolved around Makka.

Some have claimed that he went from the valley of Banoo Kinaana to the pillar of 'Aqaba.

We have clarified all of the aforementioned misconceptions, and success lies with Allaah.

His Guidance Concerning Sacrifice

Allaah the most high has said:

{livestock has been declared lawful for you} [Al Maa'ida/1].

﴿أُحِلَّتْ لَكُم بَهِيمَةُ الْأَنْعَامِ﴾ [المائدة: 1]

{they remember the name of Allaah during specific days due to the livestock which he has provided for them} [Al Hajj/28].

﴿وَيَذْكُرُوا اسْمَ اللَّهِ فِي أَيَّامٍ مَعْلُومَاتٍ عَلَىٰ مَا رَزَقَهُم مِّن بَهِيمَةِ الْأَنْعَامِ﴾ [الحج: 28]

{some livestock are used for conveyance. Eat what Allaah has provided for you and do not follow the footsteps of Shaytaan, for he is your avowed enemy. Eight pairs...} [Al An'aam/142-143].

﴿وَمِنَ الْأَنْعَامِ حَمُولَةٌ وَفَرَسَاتٌ كُلُّوا مِمَّا رَزَقَكُمُ اللَّهُ وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ

مُبِينٌ ﴿١٤٢﴾ تَمَنِّيَةَ أَزْوَاجٍ﴾ [الأنعام: 142-143]

{a sacrifice brought to the ka'ba} [Al Maa'ida/95].

﴿هَدْيًا بَلَغَ الْكَعْبَةِ﴾ [المائدة: 95]

'Alee Bin Abee Taalib deduced that the aforementioned pairs are brought to the ka'ba.

Sacrifice is performed during hajj, 'Eedul Adha, and after birth.

The messenger of Allaah (may Allaah send salutations upon him) brought various livestock to hajj, but he gave cows on behalf of his wives.

He would identify sheep with a necklace, but would identify camels with a necklace as well as a brand. Ash Shaafi'ee has said: a camel is branded on the right side of the face.

He would divide a sacrifice amongst his companions, and he has said: (a camel and cow suffice seven people).

He allowed one to ride his sacrifice until finding another animal due to necessity, and 'Alee has said that one may drink the excess milk of his sacrifice.

He would slaughter a camel while standing and would utter the basmala and takbeer.

He would occasionally select another such as 'Alee to perform sacrifice for him.

When slaughtering sheep, he would place his feet upon the sides of their faces. Thereafter, he would utter the basmala and takbeer.

He has said: (the ravines of Makka are places of slaughter).

He allowed his nation to partake of their sacrifice and to store it.

It has been narrated that Thawbaan has said: the messenger of Allaah (may Allaah send salutations upon him) performed a sacrifice, and then he said: (O Thawbaan, prepare this sheep for us) , and I continued to give it to him until we reached Al Madeena. Narrated by Aboo Daawud.

He would divide the meat of a sacrifice would also allow others to take from it.

He would perform the sacrifice of 'umra at Al Marwa and the sacrifice of the combined hajj in Mina, and so would Ibn 'Umar. However, he nor his companions would sacrifice before leaving ihraam, nor would they do so before sunrise on the day of sacrifice, and they would only slaughter once they had stoned. Consequently, one must stone before slaughtering and must have his head shaved before performing tawaaf. As for sacrifice itself, it may not be performed before sunrise.

His Guidance Concerning The Sacrifice Of 'Eedul Adha

He would not neglect the sacrifice of 'Eedul Adha and would slaughter two rams after prayer. He has said: (one who has slaughtered before prayer has simply offered meat to his family).

He ordered the sacrifice of two year old sheep. As for other livestock, he stipulated that they be three years of age.

It has been narrated that he has said: (the days of Mina are days of sacrifice). However, this narration is not continuous.

Although he forbade that meat obtained during 'Eedul Adha be stored for more than three days, this does not indicate that one may not sacrifice thereafter. Reason being, he forbade that one store meat for more than three days after his sacrifice. However, some have said that it became lawful to store meat for more than three days although the time of sacrifice remained the same.

His Guidance Concerning The Selection Of A Sacrifice

It was his teaching that one intending sacrifice should not cut his hair or trim his nails once Dhool Hijja has begun, and this prohibition appears in Saheeh Muslim. As for Ad Daaraqutnee, he has said: I say that this narration has only reached Umm Salama.

It was his teaching that a sacrifice be free of physical defects, thus he forbade that one slaughter an animal with a severed ear or a broken horn as Aboo Daawud has narrated. In addition, he forbade that one slaughter an

animal which is blind in one eye. Consequently, he ordered that one inspect the eyes and ears of the animal which he intends to slaughter.

It has been narrated that he has said: (there are four which are unacceptable as a sacrifice: an animal which is one eyed, slow, ill, or malnourished).

Where He Performed Sacrifice

It was his practice to perform sacrifice where prayer was performed as Aboo Daawud has mentioned.

Jaabir has said that he descended the minbar after the sermon, slaughtered a ram, and said: (in the name of Allaah, Allaah is the greatest. This is for me and those who have not slaughtered).

It has been narrated that the prophet (may Allaah send salutations upon him) would slaughter where he performed prayer. Narrated by Al Bukhaaree and Muslim.

It has been narrated that he slaughtered two rams on the day of sacrifice and said: (I have turned my face toward the creator of the heavens and earth, and I am not a polytheist. My life, death, and worship are for Allaah the maintainer of all which exists, and he has no partner. I am the first Muslim. O Allaah, this is from you and for you on behalf of Muhammad and his nation. In the name of Allaah, Allaah is the greatest). He then slaughtered the two rams.

He commanded the people to slaughter well saying: (Allaah has demanded proficiency).

It was his teaching that a sheep suffices a man and his family, and 'Ataa Ibn Yasaar has said: I asked Aboo Ayyoob Al Ansaaree: what were sacrifices like during the time of the messenger of Allaah (may Allaah send salutations upon him) ? He replied: a man would slaughter a sheep on behalf of himself and his family which they would share with others. Narrated by At Tirmidhee who has said: an authentic narration (hasan saheeh).

His Guidance Concerning The 'Aqeeqa

Daawud Bin Qays has said: I have heard 'Amr Bin Shu'ayb and his father narrate that his grandfather has said: the messenger of Allaah (may Allaah send salutations upon him) was questioned about the 'aqeeqa, and he replied: (I do not like disobedience) , as if he did not like the name. Others asked: O messenger of Allaah, may we slaughter on behalf of our children? He replied: (he who wishes to slaughter may do so. Two sheep are slaughtered for a boy and one sheep is slaughtered for a girl).

'Aa'isha has narrated that he has said: (two sheep are slaughtered for a boy and one sheep is slaughtered for a girl).

He has also said: (every boy is detained by his 'aqeeqa. A sacrifice is performed for him on the seventh day, and he is named and his head is shaved).

Ahmad has said: this means that he is prevented from interceding for his parents.

This prophetic tradition suggests that a newborn boy is deprived of goodness. However, this does not mean that he will be punished in the nextlife if his parents neglect the 'aqeeqa. Rather, he will remain deprived of goodness due to their neglect. Similarly, if his father utters the basmala before sexual intercourse, he will not be harmed. Otherwise, he will not be protected.

This prophetic tradition indicates that the 'aqeeqa is obligatory since it has been compared to ransom, and those such as Al Layth Bin Sa'd, Al Hasan Al Basree, and the students of the Dhaahiree legal school have relied upon it to prove this, and Allaah knows best.

Burayda Bin Al Haseeb has said: when a boy was born before Islaam, we would slaughter a sheep whose blood we would smear on his head. However, once Allaah sent Islaam to us, we would slaughter a sheep, shave the boy's head, and smear saffron on his head. Narrated by Aboo Daawud.

Although Al Husayn Bin Waaqid who is unreliable is amongst the narrators of this tradition, the prophet (may Allaah send salutations upon him) has said: (remove the impurity from him). Since blood is impure, he could not have enjoined that a child be smeared with it. In addition, it is well known that he slaughtered two rams for Al Hasan and Al Husayn, though he did not smear them with blood. Furthermore, it could not be a prophetic tradition to apply an impure substance to the head of a newborn. Rather, this practice befits the people of ignorance.

One may say: Ibn 'Abbaas and Anas have narrated that the prophet (may Allaah send salutations upon him) slaughtered two rams for Al Hasan and Al Husayn.

Hasan was born during the first year and Al Husayn was born during the second year.

'Alee has said: the messenger of Allaah (may Allaah send salutations upon him) slaughtered a sheep for Al Hasan and said: (O Faatima, shave his head and give the weight of his hair in silver as a charity). As a result, we weighed his hair and it equaled approximately one dirham. Narrated by At Tirmidhee.

Although this narration may not be continuous, the narration of Ibn 'Abbaas and Anas is sufficient, and the narration of 'Aa'isha is more preferable for the following reasons:

The narration of 'Aa'isha has been relayed by a group, and Umm Karaz has narrated that she has said: I have heard the messenger of Allaah (may Allaah send salutations upon him) say: (two sheep are slaughtered for a boy and one sheep is slaughtered for a girl). Narrated by Aboo Daawud.

It has also been narrated that she has said: (two sheep which are similar

are slaughtered for a boy and one sheep is slaughtered for a girl). Narrated by At Tirmidhee who has said: an authentic (hasan saheeh) narration.

Asmaa has narrated that the prophet (may Allaah send salutations upon him) has said: (two sheep which are similar are slaughtered for a boy and two sheep are slaughtered for a girl).

A statement of the prophet (may Allaah send salutations upon him) has been narrated concerning the sacrifice of sheep, and a narrated statement applies to all. Whereas, a narrated action may not.

The narration concerning the sacrifice of sheep provides additional information, thus it is more preferable.

A prophetic action indicates permissibility and a prophetic action indicates desireability, and the former and latter are acceptable.

The sacrifice which was performed for Al Hasan and Al Husayn was during the first and second year. Whereas, Umm Karaz heard the prophetic tradition which she narrated during the year of Al Hudaybiyya which was the sixth year, and An Nasaa'ee has mentioned this.

As for the story of Al Hasan and Al Husayn, perhaps the intent was to mention the animal which was sacrificed without stipulating that rams be slaughtered only. Similarly, 'Aa'isha has said: the messenger of Allaah (may Allaah send salutations upon him) slaughtered a cow on behalf of his nine wives, though she did not mean that only cows could be slaughtered. Rather, she wished to mention the animal which was sacrificed.

Allaah the glorified has favored males, and he has said: **{males are unlike females}** [Aalu 'Imraan/36].

﴿وَلَيْسَ الذَّكَرُ كَالْأُنثَى﴾ [آل عمران: 36]

This favoritism necessitates that males are preferred in terms of law, thus a male equals two females in testimony, inheritance, and compensation.

An 'aqeeqa is like ransom since a newborn boy is captive, thus it is appropriate that two sheep be slaughtered for him and that one sheep be slaughtered for a girl. Similarly, emancipating two girls is like emancipating one boy, and Aboo Umaama has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (if a Muslim male frees a Muslim male, he will be saved from the fire. If a Muslim male frees two Muslim females, he will be saved from the fire, and if a Muslim female frees a Muslim female, she will be saved from the fire). Narrated by At Tirmidhee.

Ja'far Bin Muhammad and his father have narrated that the prophet (may Allaah send salutations upon him) said during the 'aqeeqa of Al Hasan and Al Husayn: (eat, feed, and do not break bones). Narrated by Aboo Daawud.

Ibn Ayman has mentioned the narration of Anas which states that the messenger of Allaah (may Allaah send salutations upon him) performed an 'aqeeqa for himself once he became a prophet, and Aboo Daawud has said: I

have heard Ahmad narrate this tradition and he said that it was unreliable.

Aboo Raafi' has said: I saw the prophet (may Allaah send salutations upon him) call to prayer inside the ear of Al Hasan after Faatima gave birth to him. Narrated by Aboo Daawud.

His Guidance Concerning The Naming Of The Child And Circumcision

Samura has narrated that the prophet (may Allaah send salutations upon him) has said: (a sacrifice is performed on the seventh day and he is named).

Aboo 'Abdillaah has said: Anas has narrated that the child is named on the third day.

As for circumcision, Ahmad has said: Al Hasan disliked that a child be circumcised on the seventh day, though Aboo 'Abdillaah has said: a child may be circumcised on the seventh day. Rather, Al Hasan disliked this practice because he believed that it was a tradition of the Jews. Makhool has said: Ibraaheem circumcised Ishaq on the seventh day, and he circumcised Ismaa'eel when he was thirteen years of age. Shaykhul Islaam has said: the circumcision of Ishaq was emulated by his progeny and the circumcision of Isma'eel was emulated by his progeny. As for the prophet (may Allaah send salutations upon him), it has preceded that the date of his circumcision has not been agreed upon.

His Guidance Concerning Names

He has said: (the most despicable name is King Of Kings. There is no king except Allaah).

(the dearest of names to Allaah are 'Abdullaah and 'Abdur Rahmaan. The most truthful of names are Haarith and Hamaam, and the worst of names are Harb and Murra).

(do not name your son Yasaar, Rabbaah, Najeeh, or Aflah).

He renamed 'Aasiyya Jameela and he renamed Birra Juwayriyya, and Zaynab Bint Umm Salama has said: the messenger of Allaah (may Allaah send salutations upon him) forbade this name saying: (do not commend yourselves, for Allaah knows best who is righteous).

He renamed Asram Bazra'a, he renamed Aboo Al Hakam Aboo Shurayh, and he renamed Huzn Sahl.

Aboo Daawud has said: he renamed:

Al 'Aas

'Azeez

'Atala

Shaytaan

Al Hakam

Ghuraab

Habaab

He renamed Shihaab Hishaam and he renamed Harb Silm.

He renamed Al Mudtaji' Al Munba'ith and he renamed Ard 'Afara Khadira.

He renamed Sha'b Ad Dalaala Sha'b Al Huda, he renamed Banoo Az Zanya Banoo Ar Rashda, and he renamed Banoo Mughwiya Banoo Rishda.

Understanding This Chapter

Since a name indicates meaning, wisdom necessitated a connection between the former and latter.

He would come to a conclusion due to a name, and he saw his companions and himself in the home of 'Uqba Bin Raafi being served dates belonging to Ibn Taaba. As a result, he inferred that his companions would attain status in this world while being rewarded in the afterlife. He also deduced that the religion which Allaah had chose for them had come to fruition. In addition, when Suhayl Bin 'Amr came to him, he concluded that ease would also come during the year of Al Hdaybiyya.

When a man rose to milk a sheep, he asked: (what is your name) ? He replied: Murra. He said: (sit down). A second man rose, so he asked: (what is your name) ? He replied: Harb. He said: (sit down). A third man rose, so he asked: (what is your name) ? He replied: Ya'eesh. He said: (milk it).

He disliked places whose names were disagreeable and he preferred to avoid them, thus when he was informed that the names of two mountains were Faadih and Makhz, he did not pass between them.

The mind recognizes the correlation which exists between names and entities, and Iyyaas Bin Mu'aawiya and others used to say about those whom they observed: his name should be such and such. Similarly, 'Umar Bin Al Khattaab asked a man named Jamra: what is the name of your father? he replied: Shihaab. He asked: where do you live? He replied: the ocean of fire. He said: depart for your house is on fire. Once he returned, he found it ablaze.

'Umar made a correlation between names and entities as the prophet (may Allaah send salutations upon him) did when he deduced from the name Suhayl that life would become easier during the year of Al Hdaybiyya, and it did.

The prophet (may Allaah send salutations upon him) obliged the believers to improve their names, for one shall be called by his name on the day of resurrection. This indicates that behavior should be improved as well.

Consider how two names were chosen for the prophet (may Allaah send salutations upon him) based upon his description. He was named Muhammad due to his numerous praiseworthy characteristics, and he was named Ahmad due to their superiority. Consequently, name and entity were joined like body and soul. Similarly, he renamed Aboo Hakam Bin Hishaam

Aboo Jahl based upon his description, and none deserved this name more than him. In addition, Allaah the magnificent named 'Abdul 'Uzza Aboo Lahab since his destination was the fire, hence this name was more appropriate.

When the prophet (may Allaah send salutations upon him) reached Al Madeena, it was named Yathrib. He then renamed it, and once it was free of what the name Yathrib had indicated, it deserved to be called Tayba, and the goodness of this city increased as a consequence.

The prophet (may Allaah send salutations upon him) said to some Arab tribes while inviting to monotheism: (O Banoo 'Abdillaah, Allaah has given you and your father a fine name). Look at how he invited them to worship Allaah by citing that their father had a fine name, and the meaning of it necessitated his appeal. Look at the six people who were present during Badr and how predestination necessitated that their names would match their circumstances that day. As for Shayba, 'Utba, Al Waleed who were disbelievers, their names reflect the weakness which befell them. Conversely, their Muslim counterparts were 'Alee, 'Ubayda, and Al Haarith, and these names fit their description of prominence, servitude, and endeavor. Consequently, they were victorious due to their devotion and pursuit of the afterlife.

Since a name influences a person, the dearest names to Allaah are those which necessitate his favorite descriptions such as 'Abdullaah and 'Abdur Rahmaan, and he prefers most that his names Allaah and Ar Rahmaan be used to denote servitude. As a result, 'Abdullaah is more beloved to him than 'Abdu Rabbihi, and 'Abdur Rahmaan is more beloved to him than 'Abdul Qaadir.

The relationship which exists between a slave and Allaah is one of utter servitude, and the relationship which exists between Allaah and his slave is one of utter compassion. As for the slave, he exists due to the mercy of Allaah who created him for undivided worship. Consequently, he worships him due to his name which is an expression of divinity which only he can possess, and since his mercy exceeds his wrath, the name 'Abdur Rahmaan is dearer to him than 'Abdul Qaadir.

The Most Truthful Names

Since every slave is driven by will which is established upon intent, the most truthful names are Hamaam and Haarith, because those who have these names never cease to fulfil their meaning. Conversely, since there is no king except Allaah in reality, he hates the name King Of Kings more than any other name.

Some scholars have added the name Judge Of Judges, because only Allaah judges truthfully, hence no judge is finer than he, and he says upon his decree: be, and it is.

Another repugnant name is Master Of Humanity, because only the messenger of Allaah (may Allaah send salutations upon him) may be referred to as such, especially since he has said: (I will be the master of the descendants of Aadam on the day of resurrection, and I do not boast).

Since the names Harb and Murra are the worst due to their import, names such as Handhala and Huzn are similar by comparison, and it was the name Huzn which brought sorrow to Sa'eed Bin Al Musayyib and his family.

The Names Of Prophets

Since the prophets were the best of man, the messenger of Allaah (may Allaah send salutations upon him) encouraged his nation to choose their names, and he has said: (choose the names of the prophets). Narrated by Aboo Daawud and An Nasaa'ee.

If the only benefit of such a name was that it reminded one of the prophets, it would be sufficient.

Yasaar, Aflah, Najeeh, And Rabbaah Are Unlawful Names

Since the names Yasaar, Aflah, Najeeh, and Rabbaah evoke a bad premonition which can divert one, they are unlawful. Prophetic wisdom has necessitated the prohibition of names which induce behavior which is legally disliked. In addition, one may contradict these names, thus one named Yasaar may be difficult, one named Najeeh may be a failure, and one named Rabbaah may be insolvent. Consequently, one would be a liar in this case, and if he were demanded to live up to his name, he would not be able, thus he would be blameworthy. Similarly, if one were unduly praised, he would become blameworthy as well for failing those who commended him.. However, if he were not praised, he would not be subjected to such harm.

One whose name is prohibited may praise himself unduly thus becoming arrogant. This is why the prophet (may Allaah send salutations upon him) said: (do not commend yourselves, for Allaah knows best who is righteous).

In light of this, names which denote piety are disliked. As for the disbelievers, it is prohibited that they be called by these names which anger Allaah the magnificent.

The Kunya

As for the kunya, it is a form of honor. The prophet (may Allaah send salutations upon him) gave Suhayb the kunya Aboo Yahya and he gave 'Alee the kunya Aboo Turaab who also had the kunya Aboo Al Hasan which was most beloved to the prophet (may Allaah send salutations upon him). He gave the brother of Anas Bin Maalik who was a child the kunya Aboo 'Umayr.

It was his practice to give a kunya to one whether he had a child or not, and the only kunya which he forbade was his own, i. e. Aboo Al Qaasim. He has said: (take my name but not my kunya). However, there is a difference

of opinion in this regard, thus it has been said:

The kunya of the prophet (may Allaah send salutations upon him) may not be taken at all, and Ash Shaafi'ee has said: this kunya is prohibited because it is reserved for the prophet (may Allaah send salutations upon him), and he indicated this when he said: (by Allaah, I do not give or withhold. Rather, I distribute as I am commanded).

As for the name Qaasim, this group has differed. Those who have permitted this name have observed that his kunya was prohibited to prevent people from sharing what was reserved for him, though they assert that this does not apply to the name Qaasim. Conversely, those who have prohibited this name have observed that it is the meaning of this name which is exclusive, thus it is immaterial whether his name or kunya is taken, because the meaning remains present in both instances. They have also said that the following prophetic tradition indicates that his name is exclusive: (rather, I am Qaasim).

Some have said that it is prohibited to take both his name and kunya, though not the former or the latter only. Aboo Dawud has said: Chapter: Those Who Hold That His Name And Kunya May Not Be Combined. He then mentioned that Jaabir has narrated that the prophet (may Allaah send salutations upon him) has said: (if one takes my name, he must not take my kunya. If one takes my kunya, he must not take my name). Narrated by At Tirmidhee who has said: an authentic (hasan ghareeb) prophetic tradition.

Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) forbade that one take his name and kunya, i. e. Muhammad Aboo Al Qaasim. Narrated by At Tirmidhee who has said: an authentic (hasan saheeh) tradition.

This group has said that this explains his prohibition which appears in Al Bukhaaree and Muslim. They have also said that would not share what was reserved for the prophet (may Allaah send salutations upon him) if his name was taken and not his kunya, and vice versa.

It has been narrated that Maalik held that one could take his name and kunya, and those who maintain this position rely upon the following: 'Alee has said: I asked: O messenger of Allaah, may I give my son your name and kunya after your death? He replied: (yes). Narrated by Aboo Daawud and At Tirmidhee who has said: an authentic (hasan saheeh) prophetic tradition.

'Aa'isha has said: a woman came to the prophet (may Allaah send salutations upon him) and said: O messenger of Allaah, I have given birth to a boy whom I have named Muhammad and have given the kunya Aboo Al Qaasim, though I have been informed that you dislike this. He asked: (who has permitted my name and has prohibited my kunya, and who has prohibited my kunya and has permitted my name)? Narrated by Aboo Daawud who has said: these two narrations abrogate those narrations which

prohibit that his name and kunya be taken.

Some have said that it was prohibited to take his kunya while he was alive, and they have relied upon the following: Anas has said: a man in Al Baqee' exclaimed: O Aboo Al Qaasim, so the messenger of Allaah (may Allaah send salutations upon him) turned around. He said: O messenger of Allaah (may Allaah send salutations upon him) , I did not mean you. Rather, I called so and so. He said: (take my name but not my kunya). Narrated by Al Bukhaaree and Muslim.

This group has said that the narration of 'Alee indicates this since he did not ask about a child born during the lifetime of the prophet (may Allaah send salutations upon him).

The truth of the matter is that one may take his name and not his kunya, and this prohibition was more severe during his lifetime. In addition, one may not take his name as well as his kunya. As for the narration of 'Aa'isha, it is ghareeb, thus it cannot challenge a reliable narration. As for the narration of 'Alee, it is likely that it is unreliable, and At Tirmidhee was lenient when declaring a narration authentic. In addition, 'Alee said that he was granted a concession, this indicates that the practice in question remains prohibited for others, and Allaah knows best.

The Kunya Aboo 'Eesa

Some past and present have disliked the kunya Aboo 'Eesa, though some have permitted it, and Zayd Bin Aslam has narrated that 'Umar Bin Al Khattaab hit a son of his whose kunya was Aboo 'Eesa, and that he asked Al Mugheera Bin Shu'ba whose kunya was also Aboo 'Eesa: would not the kunya Aboo 'Abdillaah have been sufficient? He replied: the messenger of Allaah (may Allaah send salutations upon him) gave me this kunya. He said: the past and future sins of the messenger of Allaah (may Allaah send salutations upon him) have been forgiven. As a result, he kept the kunya Aboo 'Abdillaah until his death.

He gave 'Aa'isha the kunya Umm 'Abdillaah, and two of his wives were also known as Umm Habeeba and Umm Salama.

The messenger of Allaah (may Allaah send salutations upon him) forbade that grapes be called karam saying: (karam is the heart of the believer). Reason being, this word indicates abundant good, and it is the heart of the believer which deserves this name and not the grape tree. However, does this mean that it is more appropriate that the heart of the believer be given this name and that it should not be reserved for the grape tree?

Does this mean that if the grape tree were given this name that this could lead one to praise what Allaah has forbidden since the grape tree is a source of wine? This is possible, and Allaah is most aware of the intent of his

messenger (may Allaah send salutations upon him). Nevertheless, one should not name the grape tree karam.

His Guidance Concerning The Selection Of Appropriate Names For Various Entities

The prophet (may Allaah send salutations upon him) has said: (do not let the Arabs replace the name of your prayer. Rather, it is 'ishaa, though they refer to it as 'atama).

(if they knew the virtue of the night-'atama-and dawn prayers, they would come to them crawling).

Some have said that this abrogates the prohibition, and others have said the opposite.

The truth of the matter is that these two narrations do not contradict each other, because he did not forbid the mere usage of the name 'atama. Rather, he forbade that the name 'ishaa which Allaah has chosen be replaced by the name 'atama. Consequently, as long as the name of this prayer remains 'ishaa, it may occasionally be referred to as 'atama, and Allaah knows best.

The prophet (may Allaah send salutations upon him) sought to preserve the names which Allaah gave acts of worship lest they be replaced. Similarly, some latter scholars prefer modern terminology, and the harm which this has caused is known to Allaah. However, the prophet (may Allaah send salutations upon him) would begin and end as Allaah had intended, and he has said: (I begin with what Allaah has begun with). Consequently, he would perform prayer and then he would perform sacrifice, and Allaah has said: **{so pray to your lord and sacrifice}** [Al Kawthar/2].

﴿فَصَلِّ لِرَبِّكَ وَانْحَرْ﴾ [الكوثر: 2]

He would perform ablution by washing his face, hands, head, and feet respectively as Allaah intended.

He would give charity before performing the 'eed prayer as Allaah has said: **{he who has purified himself is successful. He who has remembered the name of his lord and has prayed}** [Al A'la/14-15].

﴿قَدْ أَفْلَحَ مَنْ تَزَكَّى﴾ وَذَكَرَ اسْمَ رَبِّهِ فَصَلَّى ﴿١٥﴾ [الأعلى: 14-15]

His Guidance Concerning Speech Selection

He selected the best of speech for himself and his nation.

He disliked that one be honored or disgraced with a name which he does not deserve. Consequently, one definitely should not call a hypocrite sayyid, and the prophet (may Allaah send salutations upon him) has said: (if he is not a sayyid, then you will have angered your magnificent lord). He forbade that the grape tree be called karam and that Aboo Jahl be called Aboo Al Hakam. Similarly, he renamed Aboo Al Hakam the companion Aboo

Shurayh, and he said: (Allaah is the judge). He forbade that a slave call his master “lord” and that a master call his servant “my slave”. Rather his owner should call him “my boy”. He forbade that a slave call his master “sayyid”, and he said to one who named himself a doctor: (her doctor is the one who has created her). As for the ignorant, they call a disbeliever who knows something about the environment “wise” when he is the greatest fool.

He has said: (do not say: what Allaah and so and so have willed. Rather, say: what Allaah has willed, then what so and so has willed).

A man said to him: what Allaah and you have willed, so he asked: (have you made me a partner of Allaah? Rather, say: what Allaah has willed).

Similarly, some say: I rely upon Allaah and you. This is from Allaah and you. I have Allaah in heaven and you on earth. By Allaah and your life etc. He who speaks as such makes creation a partner of the creator, and this is more repugnant than saying “what Allaah and you have willed”. However, one may say for example “what Allaah has willed, then what you have willed”.

It Is Unlawful To Curse Time

Wrongful blame is prohibited, thus it is unlawful to revile time, and the prophet (may Allaah send salutations upon him) has said: (Allaah is time) (you must not curse time), and Allaah the magnificent has said: (man harms me by cursing time. I am time, I am in command, and I control night and day).

Cursing Time Is Highly Detrimental

It is inappropriate to curse time, because it is subservient to Allaah. Consequently, one who curses time should be blamed instead.

It is an act of polytheism to curse time, because one who does so believes that it is influential.

In reality, it is Allaah the most high who is influential and not time, thus when one curses time, he curses Allaah the magnificent. This is why cursing time is harmful to the lord most high, and Aboo Hurayra has narrated that the prophet (may Allaah send salutations upon him) has said: (Allaah the most high has said: (man harms me by cursing time. I am time...)). Narrated by Al Bukhaaree and Muslim. Consequently, when one curses time, he either curses Allaah or commits polytheism. As for the former, he believes that only Allaah is influential. As for the latter, he believes that Allaah as well as time are influential.

The prophet (may Allaah send salutations upon him) has said: (one must not say: may Shaytaan be destroyed, for Shaytaan will say: I have overpowered him. Rather, one must say: in the name of Allaah, and he will become insignificant).

The prophet (may Allaah send salutations upon him) has instructed us to seek the protection of Allaah and to remember him when touched by Shaytaan, because this angers him.

The Speech Which He Has Prohibited

He has said: (do not say my soul has become vile. Rather, say my soul has become lowly). Although both statements have similar meanings, the latter is more pleasing to the ear.

He has prohibited that one say: if only I had done such and such, and he has said: (if incites the work of Shaytaan). Instead, he has instructed us to say: (Allaah has decreed and he does what he pleases) , because it is futile to say: if only I had done such and such.

When one says: if only I had done such and such, he desires other than what Allaah has decreed, though the will of Allaah cannot be opposed. However, one may say that it does not defy the decree of Allaah to say: if only I had done such and such, because the means by which an objective are attained are also decreed by Allaah. In other words, the decree of Allaah can be offset by the decree of Allaah, thus one can prevent an illness with medicine etc. Although this is true, the decree of Allaah can only be offset before it transpires. Otherwise, this would be better than saying: if only I had done such and such. Rather, one should attempt to offset the effects of what has occurred, though he should not desire what he cannot attain lest he be blameworthy.

Allaah has obliged us to pursue what is beneficial in this world and the afterlife, and the result of this is righteousness. Whereas, idleness incites the work of Shaytaan, because when one ceases to pursue what is beneficial, he desires what he will not attain. For this reason, the prophet (may Allaah send salutations upon him) sought the protection of Allaah from this evil. In fact, sorrow, cowardice, and miserliness stem from idleness. As a result, the prophet (may Allaah send salutations upon him) has said: (if incites the work of Shaytaan) , and idleness is the capital of the bankrupt.

Sin emanates from idleness, because one who is inactive has no protection. As for the prophetic tradition: (if incites the work of Shaytaan) , it comprises evil which is composed of eight entities, and each has a counterpart. Consequently, the prophet (may Allaah send salutations upon him) has said: (I seek the protection of Allaah from grief and anxiety).

The heart is afflicted by two types of adversity. If this adversity has come to pass, the result is grief. Whereas, if it has yet to occur, the result is anxiety. Nevertheless, both the former and latter stem from idleness. However, what has transpired can only be offset by faith and patience, and what awaits can only be offset by planning and reliance upon Allaah.

Grief and anxiety debilitate the heart and prevent success. They hinder

the traveler and deprive him of knowledge which strengthens his resolve upon the path. However, if they impede harmful desires, they are beneficial.

Allaah the wise has given grief and anxiety the authority to rule hearts which have forsaken him. They dwell within an infernal prison and will remain there until return to him.

None can withhold what Allaah gives, and none can give what Allaah withholds. When he withholds what his slave deserves, he is not unjust. Rather, he seeks to induce supplication so that his slave may taste the sweetness of servitude after tasting the bitterness of denial.

Allaah knows best whom he should give to, and he has said: **{Allaah knows best where his message belongs}** [Al An'aam/124].

﴿اللَّهُ أَعْلَمُ حَيْثُ يَجْعَلُ رِسَالَتَهُ﴾ [الأنعام: 124]

{Similarly, we tested them so that they would say: Allaah gave to them but not to us, though is not Allaah most aware of those who are grateful} [Al An'aam/53].

﴿وَكَذَلِكَ فَتَنَّا بَعْضَهُم بِبَعْضٍ لِّيَقُولُوا أَهَؤُلَاءِ مَنَّ اللَّهُ عَلَيْهِمْ مِنْ بَيْنِنَا أَلَيْسَ اللَّهُ

بِأَعْلَمَ بِالشَّاكِرِينَ﴾ [الأنعام: 53]

Allaah gives and withholds wisely, hence when a slave whom he has denied returns to him, he receives. However, when a slave whom he has given to forsakes him, he does not.

Allaah wants his slaves to act, though an action cannot be performed without his assistance. For example, Allaah wants us to obey him perpetually, though he has informed us that his aid is essential, thus none can act against his will, and he has said: **{you only desire what Allaah has willed}** [At Takweer/29].

﴿وَمَا نَشَاءُونَ إِلَّا أَنْ يَشَاءَ اللَّهُ رَبُّ الْعَالَمِينَ﴾ [التكوير: 29]

The prophet (may Allaah send salutations upon him) said to a man who said: Allaah is sufficient and is the finest trustee: (Allaah blames those who are idle. Rather, you must endeavor, though if you are unable, then say: Allaah is sufficient and is the finest trustee). Similarly, Ibraaheem was commanded to endeavor which he did to the best of ability, though he did not say: Allaah is sufficient and is the finest trustee until he was cast into the fire.

When the following was said to the messenger of Allaah (may Allaah send salutations upon him) and his companions, they prepared to meet the enemy: **{they people have united against you, so fear them}** [Aalu 'Imraan/173].

﴿الَّذِينَ قَالَ لَهُمُ النَّاسُ إِنَّ النَّاسَ قَدْ جَمَعُوا لَكُمْ فَاخْشَوْهُمْ فَزَادَهُمْ إِيمَانًا وَقَالُوا حَسْبُنَا اللَّهُ وَنِعْمَ

الْوَكِيلُ ﴿١٧٣﴾﴾ [آل عمران: 173]

Allaah the most high has said: **{Allaah will aid and sustain whomever reveres him. If one relies upon Allaah, he will suffice him}** [At Talaah/2-3].

﴿وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا ﴿٢﴾ وَيَرْزُقْهُ مِنْ حَيْثُ لَا يَحْتَسِبُ

وَمَنْ يَتَوَكَّلْ عَلَى اللَّهِ فَهُوَ حَسْبُهُ﴾ [الطلاق: 2]

{revere Allaah, and it is he whom the believers rely upon} [Al Maa'ida/11].

﴿وَاتَّقُوا اللَّهَ وَعَلَى اللَّهِ فَلْيَتَوَكَّلِ الْمُؤْمِنُونَ ﴿١١﴾﴾ [المائدة: 11]

Consequently, reliance without endeavor is mere idleness. Rather, a servant must endeavor and rely upon Allaah in order to achieve an objective

Two groups are mistaken in this regard.

The first group has claimed that reliance is sufficient, thus they have negated the means by which an objective is attained. However, reliance accompanies endeavor. For example, if a farmer plants seeds and relies upon Allaah, he has aptly depended upon him, and his action does not diminish his reliance. This is the one whom Allaah suffices.

The second group has realized that there is a link between the means by which an objective is attained and the decree of Allaah, though they have neglected to rely upon him. As a result, this group is deprived of his aid, thus they are weak. Strength lies in reliance upon Allaah, and some of the early believers have said: if one wishes to be the strongest, he should rely upon Allaah.

The prophet (may Allaah send salutations upon him) has directed the slave to completeness, though he must strive to achieve, then he may say: Allaah is sufficient and is the finest trustee. As for he who is heedless of his own welfare but says: Allaah is sufficient and is the finest trustee, Allaah will blame him and will not suffice him until he is reverent and reliant.

His Guidance Concerning The Remembrance Of Allaah

None was more mindful of Allaah than the prophet (may Allaah send salutations upon him). In fact, his speech was a constant reminder of Allaah and his dictate. When he would speak, he would remind others of the names and attributes of Allaah as well as his actions.

He would remember Allaah at all times, and he would say upon awaking: (praise belongs to Allaah who has revived us, and we will return to him).

‘Aa’isha has said: he would utter the following ten times each upon awaking at night: (subhaanallaahi wa bihamdihi) (subhaanal malik al quddoos) (astaghfirullaah) (la ilaaha illallaah). He would then say ten times: (O Allaah, I seek your protection from the constraint of this world and the next). Afterward, he would begin prayer.

He would also say: (there is no deity worthy of worship except you. Glory belongs to you O Allaah. I seek your forgiveness and mercy. Increase my knowledge, do not misguide my heart, and grant me your compassion, for you are indeed the bestower). Narrated by Aboo Daawud.

He has instructed us to say the following upon awaking at night: (there is no deity worthy of worship except Allaah who is alone. Praise and dominion belong to him, and he is completely capable. Praise and glory belong to Allaah who is the only deity worthy of worship. He is the greatest, and there is no strength without Allaah the high and exalted). He would then say: (O Allaah, forgive me). He would also utter other supplications, and his prayer would be accepted thereafter. Narrated by Al Bukhaaree.

Ibn ‘Abbaas has said: when he awoke, he looked toward the sky and recited the final ten verses of Aalu ‘Imraan. He then said: (O Allaah, praise belongs to you. You are the light and maintainer of the heavens and earth, and you are the truth. What you have promised is true and so are the prophets. O Allaah, I believe in you and submit to you. I rely upon you and turn to you. I have judged and disputed with your speech, so forgive me. You are my deity, and only you are worthy of worship, and there is no strength without you the high and exalted).

‘Aa’isha has said: he would say the following upon awaking: (O Allaah, lord of Jibraa’eel, Meekaa’eel, and Israafeel. O knower of the seen and unseen, you are an arbitrator for your slaves, so guide me during times of disagreement, and you guide whom you please toward the straight path).

He would conclude the witr prayer by saying the following three times: (subhaanal malik al quddoos) , and he would raise his voice the third time.

He would say upon departure: (in the name of Allaah whom I rely upon. O Allaah, I seek your protection from misguidance, error, oppression, and ignorance). An authentic (saheeh) prophetic tradition.

He has said: (if one says upon departure: in the name of Allaah whom I rely upon. There is no strength without Allaah, it will be said to him: you have been guided, satisfied, and protected, and Shaytaan will not approach him). An authentic (hasan) prophetic tradition.

Ibn ‘Abbaas has said: he said the following while proceeding to the dawn prayer: (O Allaah, illuminate my heart, my speech, my hearing, and my sight. O Allaah, envelop me with light).

Aboo Sa’eed Al Khudree has said: the messenger of Allaah (may Allaah send salutations upon him) has said: if one says the following while

proceeding to the masjid, seventy thousand angels will seek forgiveness for him, and Allaah will face him until he concludes his prayer: (I ask of you having departed in pursuit of your pleasure that you save me from the fire, and only you forgive sins).

Aboo Daawud has mentioned that he entered the masjid and said: (I seek the protection of Allaah, his face, and his dominion from the reviled Shaytaan). He then said: (if one says this: Shaytaan will say: he will be protected from me for the rest of the day). He also said: (when you enter the masjid, greet the prophet (may Allaah send salutations upon him) and say: O Allaah, forgive me and be graceful unto me).

Once he had performed the dawn prayer, he would remain seated and would remember Allaah the magnificent until sunrise.

He would say upon awaking: (O Allaah, we arise and retire by you, we live and perish by you, and we will return to you).

(we have arisen for Allaah who is praiseworthy. There is no deity worthy of worship except he who is alone. Praise and dominion belong to him, and he is completely capable. Lord, I ask you for the good of today and tomorrow, and I seek your protection from the evil of today and tomorrow. Lord, I seek your protection from laziness and arrogance, and I seek your protection from the torture of the fire and the grave). He would also say upon nightfall: (we have retired for Allaah...) Narrated by Muslim.

Aboo Bakr As Siddeeq said to him: tell me what I must say when I awaken and retire. He said: (say: O Allaah, O creator of the heavens and earth, O knower of the seen and unseen, O king and sustainer of all that exists. I declare that there is no deity worthy of worship except you. I seek your protection from the evil of my soul and Shaytaan lest I harm myself or another through sin). An authentic prophetic tradition.

(a slave will not be harmed if he says the following three times morning and evening: in the name of Allaah. His name prevents all harm and he is hearing and knowing). An authentic prophetic tradition.

(if one says the following morning and evening: I am satisfied with Allaah as a lord, Islaam as a religion, and Muhammad as a prophet, Allaah will be obliged to please him). Declared authentic by At Tirmidhee and Al Haakim.

(if one says the following morning and evening: O Allaah, I have arisen. You and your entire creation are my witness that there is no deity worthy of worship except you and that Muhammad is your slave and messenger, Allaah will free $\frac{1}{4}$ of his body from the fire. If he says this twice, Allaah will free $\frac{1}{2}$ of his body from the fire. If he says this three times, Allaah will free $\frac{3}{4}$ of his body from the fire, and if he says this four times, Allaah will free his entire body from the fire). An authentic (hasan) prophetic tradition.

(if one says the following morning and evening, he will be duly

thankful: O Allaah, the grace which befalls creation this morning is yours, and praise and gratitude belong to you). An authentic (hasan) prophetic tradition.

He would utter the following morning and evening: (O Allaah, I ask you for well being in this world and the next. O Allaah, I ask you for well being and clemency in worldly and religious affairs. O Allaah, conceal my shortcomings and ease my fears. O Allaah grant me protection, and I seek the protection of your greatness from my demise). Declared authentic by Al Haakim.

(say the following morning and evening: we have arisen for Allaah the sustainer of all that exists. O Allaah, I ask you for the good of this day and I seek your protection from the evil of this day and the next). An authentic (hasan) prophetic tradition.

Abou Daawud has mentioned that he said the following to some of his daughters: (glory and praise belong to Allaah, and there is no strength without him the high and exalted. What he has willed will be and what he has not willed will not be, and I know that he is completely able and aware. If one says this in the morning, he will be protected until evening, and if he says this in the evening he will be protected until morning).

He asked a man of the Ansaar: (shall I teach you a statement by which Allaah can relieve you of debt and anxiety) ? He replied: you certainly should O messenger of Allaah. He said: (say morning and evening: O Allaah, I seek your protection from grief and anxiety. I seek your protection from laziness and incapacity. I seek your protection from cowardice and miserliness, and I seek your protection from debt and suppression). He said: once I said this, Allaah relieved me of debt and anxiety.

He would say upon awaking: (we have arisen upon natural disposition, the statement of sincerity, the religion of our prophet Muhammad (may Allaah send salutations upon him) , and the religion of Ibraaheem who was not a polytheist).

As for his statement: (the religion of our prophet Muhammad (may Allaah send salutations upon him) , it is judged like similar statements such as the following: (I declare that Muhammad is the messenger of Allaah) , because he was obliged to believe that he was the messenger of Allaah (may Allaah send salutations upon him). In fact, he was more obliged to believe this than those who received his message. Consequently, he was a prophet and messenger unto himself as well as his nation.

It has been mentioned that he asked his daughter Faatima: (what prevents you from saying morning and evening: O you who are living and self-sufficient. I seek your aid, so rectify my affairs and do not leave me to my own devices) ?

It has been mentioned that he would say upon awaking: (O Allaah, I ask

you for beneficial knowledge, lawful sustenance, and acceptable worship).

It has been mentioned that he has said: (O Allaah, I have arisen blessed and concealed, so allow me to be as such in this world and the next. If one says this morning and evening, Allaah will be obliged to concede).

(if one says morning and evening seven times: Allaah is sufficient and is the only deity worthy of worship. I rely upon him and he is the lord of the grand throne, Allaah will suffice him in this world and the next).

(If one says these words at the beginning of the day, he will not be stricken until evening, and if he says them at the end of the day, he will not be stricken until he awakes: O Allaah, you are my lord. There is no deity worthy of worship except you. I rely upon you the lord of the grand throne. What you wish will be and what you do not wish will not be. There is no strength without you the high and exalted. I know that you are completely able and aware. O Allaah, I seek your protection from the evil of my soul and every beast whose forelock you seize. You my lord are indeed upon the straight path).

Someone said to Aboo Ad Darda: your house has burned down, so he said: it has not, and Allaah would not allow this due to the words which I have heard from the messenger of Allaah (may Allaah send salutations upon him).

(the finest way to seek forgiveness is to say: O Allaah, you are my lord. There is no deity worthy of worship except you who has created me. I am your slave and I observe your covenant to the best of my ability. I seek your protection from my evil behavior and acknowledge your grace and my disobedience, and only you can forgive sins. If one says this with conviction in the morning and dies thereafter, he will enter paradise, and if one says this with conviction in the evening and dies thereafter, he will enter paradise).

(if one says the following 100 times morning and evening: glory and praise belong to Allaah, none will arrive with a greater supplication on the day of resurrection except for one who says this or more).

(if one says the following ten times morning and evening: there is no deity worthy of worship except Allaah who is alone. Praise and dominion belong to him and he is completely capable, Allaah will record ten good deeds and will erase ten bad deeds. It will be as if he has emancipated ten slaves, and Allaah will protect him from the reviled Shaytaan throughout the day and night).

(if one says the following 100 times during the morning: there is no deity worthy of worship except Allaah who is alone. Praise and dominion belong to him and he is completely capable, it will be as if he has emancipated ten slaves, and 100 bad deeds will be replaced with 100 good deeds. In addition, he will be protected from Shaytaan until evening, and

none will arrive with a greater supplication except for one who has exceeded him).

It has been narrated in the Musnad and elsewhere that he instructed Zayd Bin Thaabit and his family to say every morning: (O Allaah, your wish is my command, and your goodness lies within your hands. O Allaah, what you have desired will be and what you have not desired will not be. There is no strength without you and you are completely capable. You are my guardian in this world and the next. Place me amongst the righteous after my death. O Allaah, creator of the heavens and earth, O knower of the seen and unseen who is honorable and magnificent. You are my witness that I declare that none is worthy of worship except you. Praise and dominion belong to you and you are completely capable. I declare that Muhammad is your slave and messenger, and that all which you have promised is imminent. I declare that you will resurrect the dead, and that if you leave me to my own devices, I will be weak, sinful, and prone to error. I only have confidence in your mercy, so forgive me entirely, and only you can do so. Accept my repentance, for you are indeed the merciful).

His Guidance Concerning The Remembrance Of Allaah When Dressing

He would call a new article of clothing by name and say: (O Allaah, you have clothed me for your sake. I ask you for the good of this garment and the good for which it was made, and I seek your protection from the evil of this garment and the evil for which it was made). An authentic prophetic tradition.

It has been mentioned that he would say: (if one wears a garment and says: praise belongs to Allaah who has clothed me without any effort on my behalf, his previous sins will be forgiven).

‘Umar Bin Al Khattaab has said: I have heard the messenger of Allaah (may Allaah send salutations upon him) say: (if one wears a new garment and says before giving it away: praise belongs to Allaah who has clothed me with a garment which I use to cover and beautify myself, he will be protected and upon the path of Allaah while alive and dead).

It has been narrated in Sunan Ibn Maajah that he saw ‘Umar wearing a garment and asked: (is this new or old) ? He replied: it is old. He said: (wear new clothes, live praiseworthy, and die a martyr).

How He Would Enter His Home

It was not his practice to return home unexpectedly. Rather, his family would await him, and he would greet them upon his return. Thereafter, he would ask about their condition.

It has been mentioned that he would say: (praise belongs to Allaah who has sufficed me, has given me food and drink, and has been kind to me. O

Allaah, I ask that you protect me from the fire).

He has said to Anas: (when you return to your family, greet them and you will all be blessed). At Tirmidhee has said: an authentic (hasan saheeh) prophetic tradition.

It has been narrated in the Sunan that he has said: (when a man returns home, he should say: O Allaah, I ask you for the best entrance and exit. We enter in the name of Allaah and rely upon him. Thereafter, he should greet his family).

(if a man remembers Allaah when entering his home and when eating, Shaytaan says: there is no dinner or accommodation for you. Otherwise, he will say: there is dinner and accomodation for you. Narrated by Muslim.

His Guidance Concerning Remembrance Upon Entering The Rest Area

He would say upon entering the rest area: (O Allaah, I seek your protection from male and female demons). Narrated by Al Bukhaaree and Muslim.

Ahmad has mentioned that he ordered one to say this upon entering the rest area.

(do not cease to say upon entering the rest area: O Allaah, I seek your protection from impurity, demons, and the reviled Shaytaan).

(to shield yourself from demons upon entering the rest area, say: in the name of Allaah).

A man once greeted him while he was urinating, though he did not respond.

(two men must not speak to each other while defecating, because Allaah hates this).

It has been previously mentioned that he would not face the qibla or turn his back to it while urinating or defecating, and the following companions have narrated that he prohibited this:

Aboo Ayyoob

Salmaan Al Faarisee

Aboo Hurayra

Ma'qal Bin Abee Ma'qal

'Abdullaah Bin Al Haarith Bin Juz Az Zubaydee

Jaabir Bin 'Abdillaah

'Abdillaah Bin 'Umar

The majority of these prophetic traditions are saheeh and those which are not are hasan. As for opposing narrations such as the following, they are either unreliable or inexplicit.

'Araak has narrated that 'Aa'isha has said: the messenger of Allaah (may Allaah send salutations upon him) was informed that there were people who disliked facing the qibla with their genitals exposed, so he said: (turn my

seat toward the qibla). Narrated by Ahmad.

Ahmad said: this is the best narration which exists in this regard, although it is mursal.

However, Al Bukhaaree and other scholars of prophetic tradition have criticized this narration and have not affirmed it, and the statement of Ahmad does not necessitate that he accepted it. Furthermore, 'Araak did not hear from 'Aa'isha.

Jaabir has said: the messenger of Allaah (may Allaah send salutations upon him) forbade that one face the qibla while urinating, though I saw him do so a year before his death.

At Tirmidhee has said: I asked Muhammad-Al Bukhaaree-about this narration and he replied: it is an authentic prophetic tradition which more than one person has narrated via Ibn Ishaq.

If he meant that this narration is reliable if relayed via Ibn Ishaq, he did not indicate that it is an authentic prophetic tradition in and of itself. Otherwise, it would be judged like the narration of Ibn 'Umar which states that he saw the messenger of Allaah (may Allaah send salutations upon him) with his back turned to the qibla while answering a call of nature.

In this case, the following could be possible:

His action could abrogate his prohibition.

His prohibition could abrogate his action

His action could be exclusive.

His action may only be permissible inside.

His action may only be permissible under certain conditions.

His action may demonstrate that his prohibition was not conclusive.

However, there is no way to determine which possibility is most likely, even though the second possibility is improbable as regards the narration of Jaabir. Consequently, authentic prophetic traditions which state otherwise cannot be neglected. As for the statement of 'Umar: rather, he forbade this in the desert, it was a deduction. In addition, the act in question has been prohibited in honor of the direction of the qibla which remains the same whether one is within an enclosed area or not. Furthermore, there are mountains like walls which lie between the house and one answering a call of nature, and the former are greater. Whereas, the direction of the qibla is unobstructed. As a result, the prohibition is related to the direction of the qibla and not the house.

He would say upon leaving the rest area: (I seek your forgiveness) , and Ibn Maajah has narrated that he would say: (praise belongs to Allaah who has relieved me).

His Guidance Concerning The Remembrance Of Ablution

He said to the companions before performing ablution: (perform ablution in the name of Allaah).

He said to Jaabir: (call for water) , so water was brought to him. He then said: (say: in the name of Allaah). He said: in the name of Allaah, then he poured the water. He said: I saw water emerge between his fingers.

Aboo Hurayra, Sa'eed Bin Zayd, and Aboo Sa'eed Al Khudree have narrated that he has said: (there is no ablution for he who has not mentioned the name of Allaah). Narrated by Ahmad.

He has said: (the eight gates of paradise will be opened for he who says after performing ablution: I declare that there is no deity worthy of worship except Allaah who is alone and that Muhammad is his slave and messenger). Narrated by Muslim.

At Tirmidhee has added the following: (O Allaah, join me with those who repent and purify themselves).

Ahmad has added the following: he then looked toward the sky.

Aboo Sa'eed Al Khudree has narrated that he has said: (if one says after performing ablution: glory and praise belong to you O Allaah. I declare that there is no deity worthy of worship except you. I seek your forgiveness and repent to you, that will be inscribed upon leather and will remain beneath the throne until the day of resurrection). Narrated by An Nasaa'ee.

Aboo Moosa Al Asha'ree has said: I brought the messenger of Allaah (may Allaah send salutations upon him) water which he used for ablution, and I heard him say: (O Allaah, forgive me, expand my dwelling, and bless my sustenance). I said: O prophet of Allaah, I heard you say such and such. He asked: (did I omit anything) ?

His Guidance Concerning The Remembrance Of The Adhaan

He taught that the two declarations of faith could be repeated during the adhaan, and he taught that the statement: (prayer has been established) could be repeated during the iqama. He would utter the takbeer four times during the adhaan, though narrations which state that he did so twice are unreliable. As for the following: he ordered Bilaal to make the adhaan even and the iqama odd, it does not negate that the takbeer was uttered four times. In fact, this has been mentioned explicitly in the narrations of 'Abdullaah Bin Zayd, 'Umar Bin Al Khattaab, and Aboo Mahdhoora.

Ibn 'Umar has said: the wording of the adhaan was uttered twice during the life of the prophet (may Allaah send salutations upon him) , and the wording of the iqama was uttered once. However, one would repeat: prayer has been established, though Aboo Mahdhoora has narrated that the entire wording of the iqama was uttered twice.

All of these methods are acceptable, though some are more preferable than others. As a result, Ahmad chose the adhaan and iqama of Bilaal. Ash Shaafi'ee chose the adhaan of Aboo Mahdhoora and the iqama of Bilaal.

Aboo Haneefa chose the adhaan of Bilaal and the iqama of Aboo Mahdhoora, and Maalik chose the practice of the people of Al Madeena who uttered the takbeer twice during the adhaan and uttered: prayer has been established once.

May Allaah have mercy upon all of them for the effort they made to follow the prophetic tradition.

What Is Said During The Adhaan And Afterward

He has taught that one should repeat the adhaan with the exception of: come to prayer, come to success. Rather, he has taught that one should say instead: there is no strength without Allaah.

The words of the adhaan are a remembrance which one should repeat. However, the following statement is an invitation to prayer: come to prayer, come to success. As a result, one should seek aid by saying: there is no strength without Allaah.

One should say: I declare that there is no deity worthy of worship except Allaah and that Muhammad is his messenger. I am satisfied with Allaah as a lord, Islaam as a religion, and Muhammad as a prophet.

He has said that whoever says this will be forgiven.

Once one has finished repeating the adhaan, one should send salutations upon the prophet (may Allaah send salutations upon him) , and the Abrahamic prayer is the most comprehensive way of doing so. Thereafter, one should say: O Allaah, lord of this complete supplication and established prayer. Grant Muhammad superiority, the right to intercede, and the praiseworthy status which you have promised him, and you do not break your promise). Thereafter, one should supplicate for himself, because his prayer will be answered.

Ahmad has mentioned that he has said: (a prayer will be answered if one says during the adhaan: O Allaah, lord of this complete supplication and beneficial prayer, send salutations upon Muhammad and be eternally satisfied with him).

Aboo Umaama has narrated that he would say upon hearing the adhaan: (O Allaah, lord of this complete supplication which is answered when truthful and reverent. Cause me to perish upon it, raise me upon it, and place me with the righteous who utter it on the day of resurrection. Narrated by Al Haakim.

The following appears in the Sunan: (a supplication is not rejected between the adhaan and the iqama). Others asked: so what do we say O messenger of Allaah? He replied: (ask for well being in this world and the next). An authentic prophetic tradition.

He has also said: (Allaah opens the gates of heaven at two times, and rarely does he fail the supplicant: when he hears the adhaan and when he

joins ranks). An authentic prophetic tradition.

His guidance concerning the remembrance of prayer has preceded, and it has been mentioned that he enjoined the remembrance of Allaah the most high during the prayer of the solar eclipse. It was also mentioned that he uttered the tasbeeh, tahleel, takbeer, and tahmeed with his hands raised until the sun became visible again, and Allaah knows best.

His Guidance Concerning The First Ten Days Of Dhool Hijja

He would supplicate frequently during the first ten days of Dhool Hijja, and he enjoined the utterance of the tahleel, takbeer, and the tahmeed.

It has been mentioned that he would utter the takbeer from the dawn prayer on the day of 'Arafa until the later afternoon prayer on the final day of Mina. He would say: (Allaah is the greatest, Allaah is the greatest. There is no deity worthy of worship except Allaah, and praise belongs to him). Although the chain of this narration is not sound, this supplication has been preserved. As for the utterance of the takbeer three times, this is the narrated practice of Jaabir and Ibn 'Abbaas, and it is also acceptable.

Ash Shaafi'ee has said: if one pleases, he may add: Allaah is the greatest and abundant praise belongs to him. Glory belongs to him throughout the day and there is no deity worthy of worship except he. We worship him and no other despite the disbelievers. There is no deity worthy of worship except he who is alone. He has kept his promise, has aided his slave, and has defeated the allies alone. There is no deity worthy of worship except he who is the greatest.

His Guidance Concerning Remembrance Upon The Sighting Of The Crescent

It has been mentioned that he would say upon sighting the crescent: (O Allaah, may it bring faith and security, and my lord and yours is Allaah). At Tirmidhee has said: an authentic (hasan) prophetic tradition.

(Allaah is the greatest. May it bring faith, security, and and whatever is dear to him, and our lord and yours is Allaah). Narrated by Ad Daarimee.

Qataada has narrated that the prophet of Allaah (may Allaah send salutations upon him) would say the following three times upon sighting the crescent: (you are a crescent of guidance, and I believe in the one who has created you). He would then say: (praise belongs to Allaah who has replaced such and such month with such and such month). Narrated by Aboo Daawud.

It has been mentioned in some copies of the Sunan that Aboo Daawud has said: there are no reliable narrations in this regard.

His Guidance Concerning Remembrance When Eating

He would say: (in the name of Allaah) when reaching for food, and he

has said: (when you eat, remember the name of Allaah the most high. However, if you forget to do so at the beginning, then do so at the end). An authentic prophetic tradition.

The truth of the matter is that one is obliged to utter the tasmiya when eating, and this has been maintained by the companions of Ahmad. In fact, this is what prophetic traditions have stated, and there are no narrations which indicate otherwise, and Shaytaan eats and drinks with one who neglects the tasmiya.

If a group is eating and only one person utters the tasmiya, will Shaytaan join them? As Shaafi'ee has said that one tasmiya suffices an entire group, and his companions have compared this to a greeting which is returned by only one person and the response of only one person when someone sneezes. However, it has also been said that each person must utter the tasmiya, and Hudhayfa has said: a girl reached for the food, so the messenger of Allaah (may Allaah send salutations upon him) took her by the hand. Afterward, an Arab reached for the food, so he took him by the hand and said: (Shaytaan seeks the food of those who do not utter the tasmiya, thus I took this girl and this Arab by the hand. By he in whose hand is my soul, I held all of their hands at once). Thereafter, he remembered Allaah and ate. However, had the tasmiya of one person been sufficient, Shaytaan would not have reached for the food.

Some respond by saying that Shaytaan joined the girl and the Arab before the prophet (may Allaah send salutations upon him) uttered the tasmiya. Consequently, one may ask: what has led you to believe that Shaytaan eats and drinks with a person after the tasmiya has been uttered by someone else? 'Aa'isha has said: the messenger of Allaah (may Allaah send salutations upon him) ate amongst six people, then an Arab came and finished the food. As a result, he said: (had he uttered the tasmiya, the food would have sufficed you). Narrated by At Tirmidhee. It is known that the prophet (may Allaah send salutations upon him) and those amongst him uttered the tasmiya, but the Arab did not. Consequently, Shaytaan joined him, thus he finished the food.

As for responding to one who sneezes, the prophet (may Allaah send salutations upon him) has said: (if one sneezes and praises Allaah, all who hear him must supplicate for him).

It has been mentioned that Jaabir has narrated that the prophet (may Allaah send salutations upon him) has said: (if one forgets to utter the tasmiya when eating, he should recite Al Ikhlaas). However, this narration is questionable.

He would say: (praise belongs to Allaah who has provided us with food and drink and has made us Muslim).

At Tirmidhee has mentioned that he has said: (if one eats and says: praise

belongs to Allaah who has fed me without any effort on my behalf, his sins will be forgiven). An authentic (hasan) prophetic tradition.

It has been mentioned in the Sunan that he would say after eating: (praise belongs to Allaah who has been kind to us and has guided us. He has given us sufficient food and drink as well as all that is good). An authentic (hasan) prophetic tradition.

(once you have eaten, say: O Allaah, bless us and provide us with finer food. If Allaah has provided you with milk, say: O Allaah, bless us and give us more, because only milk can take the place of food and drink). An authentic (hasan) prophetic tradition.

It has been mentioned that he would take three breaths when drinking from a container and that he would praise Allaah after each breath and would thank him upon the final breath.

His Guidance Concerning Food

He would ask his family upon returning home: (do you have food) ?

He never criticized food. Rather, he would avoid food which he disliked.

He would occasionally praise food, and he has said: (vinegar is a great topping). However, this does not mean that he preferred vinegar more than milk, meat, honey, and gravy. Rather, he praised vinegar to avoid upsetting the person who had offered it to him.

If food was placed before him while fasting, he would say: (I am fasting).

He ordered a fasting person to supplicate for one who offers him food, and he ordered one who is not fasting to eat.

He would allow his host to accept or reject one who accompanied him while en route.

He would speak while eating as he did when he praised vinegar, and he said to 'Umar Bin Abi Salama: (utter the tasmiya and eat what is nearest to you).

He would encourage his guests to eat and drink repeatedly which is a practice of the hospitable.

He would supplicate for his host, and he supplicated for 'Abdullaah Bin Busr as follows: (O Allaah, bless their sustenance and have mercy upon them). Narrated by Muslim.

He supplicated for Sa'd Bin 'Ubaada as follows: (the righteous have broken fast here and the angels have sent salutations upon you).

Aboo Daawud has mentioned that when Aboo Al Haytham invited the prophet (may Allaah send salutations upon him) and his companions to eat, he said: (reward your brother). They asked: O messenger of Allaah, what is his reward? He replied: (a guest rewards his host by supplicating for him).

He was unable to find food upon returning home one night, so he said: (O Allaah, give food and drink to those who have given me food and drink).

When 'Amr Bin Al Humq gave him milk, he said: (O Allaah, allow him to enjoy his youth). As a result, he did not have one grey hair at eighty.

He would commend hosts and supplicate for them, and once he asked: (will not someone host him may Allaah have mercy upon him) ? He said to a man of the Ansaar and his wife who gave all their food to their guest: (what you have done has amazed Allaah).

He would eat with all types of people, and it has been narrated in the Sunan that he took the hand of a leper and said: (eat in the name of Allaah and trust in him).

He enjoined eating with the right hand, and he has said: (Shaytaan eats and drinks with his left hand). This necessitates that it is unlawful to eat and drink with the left hand, because one who does so is either a Shaytaan or resembles one.

He said to a man who was eating with his left hand: (eat with your right hand). He said: I am unable. He said: (you are able). Thereafter, he did not raise his hand to eat.

If it were permissible to eat and drink with the left hand, the prophet (may Allaah send salutations upon him) would not have prayed against him, and had arrogance prevented him from being obedient, his sin would have been greater.

He ordered those who complained that their food was inadequate to eat in unison and to remember Allaah so that he would bless them.

He has said: (Allaah is pleased with a servant who praises him for his food and drink).

(digest your food through prayer and the remembrance of Allaah, and do not sleep while full lest your hearts become hard).

This narration should be reliable, because it has been proven accurate.

His Guidance Concerning Greeting, Seeking Permission, And Supplicating For One Who Sneezes

Aboo Hurayra has narrated that the prophet (may Allaah send salutations upon him) has said: (the best Islaam is to provide food and to greet those whom you know and those whom you do not know).

He has said: (when Allaah created Aadam, he said: go to those angels, greet them, and listen to their response, because it will be the greeting of you and your progeny. He said: may peace be upon you, and they said: may peace and the mercy of Allaah be upon you).

He ordered the companions to greet one another in order to love one another, and he stated that they could not enter paradise without believing, and that they could not believe without loving one another.

'Ammar has said: a person who is fair, greets all, and spends while needy is a believer. Narrated by Al Bukhaaree.

These words comprise goodness, because fairness compels one to fulfill his obligation toward Allaah and man. In addition:

Fairness compels him to seek only what he deserves.

Fairness compels him not to overburden others.

Fairness compels him to treat others as he would wish to be treated.

Fairness compels him to excuse others as he would wish to be excused, and it compels him to judge others as he judges himself.

Fairness obliges one to know his lord and his responsibility toward him. In addition:

Fairness obliges him to know the purpose for which his soul was created, and it obliges him not to place the desire of his soul above the desire of his master, or to divide it in this regard. Similarly, Allaah has said: **{they reserved a portion of their crops and livestock for Allaah saying: this is for Allaah and this is for our idols}** [Al An'aam/136].

﴿هَذَا لِلّٰهِ بِرَعْمِهِمْ وَهَذَا لِشُرَكَائِهِمْ فَمَا كَانَ لِشُرَكَائِهِمْ فَلَا يَصِلُ إِلَى اللَّهِ وَمَا

كَانَ لِلّٰهِ فَهُوَ يَصِلُ إِلَى شُرَكَائِهِمْ سَاءَ مَا يَحْكُمُونَ ﴿١٣٦﴾ [الأنعام: 136]

A slave must be mindful to avoid this division, because man has been created ignorant and unjust, and one who is unfair toward the creator cannot be fair toward creation. Allaah the magnificent has said in a divine tradition: (children of Aadam, you have been unfair. My goodness descends upon you while your evil ascends to me. Although I do not need you, I have been graceful to you, and although you need me, you disobey me, and the angels continue to arrive with your bad deeds).

The following has also been narrated: children of Aadam, you have been unfair. Although I have created you, you worship other than I, and although I provide for you, you thank other than I.

Similarly, one who is unfair to his soul cannot be fair to another. In addition:

He harms his soul to the utmost while depriving it of the greatest delight. However, he believes that he is pleasing his soul.

He tires his soul while believing that it is at ease.

He belittles his soul while believing that he is magnifying it.

If one treats his soul this way, how would he treat others?

One who greets all is humble, because he greets the young and old, the lowly and noble, and those whom he knows and does not know. Conversely, an arrogant person does not always respond to a greeting, thus he would not greet all.

One can only spend while needy:

if he is confident that Allaah will reimburse him

if he forsakes what is unnecessary

if he trusts he who has promised him mercy and distrusts he who has threatened him with poverty and has enjoined iniquity, and it is Allaah who is sought for aid.

Chapter

He passed some boys and greeted them. Narrated by Muslim.

At Tirmidhee has mentioned that he passed a group of women and greeted them with a hand gesture.

Aboo Daawud has narrated that Asmaa Bint Yazeed has said: the prophet (may Allaah send salutations upon him) passed us and greeted us.

It seems that the former and latter narrations are one.

It has been narrated in Saheeh Al Bukhaaree that the companions would greet an elderly woman while returning from Jumu'a, and that she would offer them food.

A man may greet elderly women and women whom he may not marry.

His Guidance Concerning Greeting

It has been narrated in Saheeh Al Bukhaaree and elsewhere that the youth should greet their elders, that those passing should greet those sitting, that those riding should greet those walking, and that a smaller group should greet a larger group.

The following has been narrated in At Tirmidhee: (one walking should greet one standing).

The following has been narrated in the Musnad of Al Bazaar: (one riding should greet one walking, one walking should greet one sitting, and if two people are walking, the first to greet is better).

The following has been narrated in Sunan Abee Daawud: (those who greet first are closest to Allaah).

It was his practice to greet upon his arrival and departure, and he has said: (greet when sitting and standing, and the former has no more priority than the latter).

The following has been narrated in Sunan Abee Daawud: (greet your companion when meeting him, even if you are blocked by a tree or a wall).

Anas has said: if the companions of the messenger of Allaah (may Allaah send salutations upon him) became separated while walking due to an obstruction, they would greet each other once they reassembled.

His Guidance Concerning Entering The Masjid

It was his teaching that one perform two bowings of prayer upon entering the masjid and that he greet the people thereafter, because the rights of Allaah take precedence over the rights of man. However, this does not apply in terms of monetary rights.

Rifaa'a Bin Raafi' has said: while we were with the prophet (may Allaah send salutations upon him), a man performed a brief prayer and greeted him

thereafter. Consequently, he responded and said: (repeat your prayer, because you have not prayed). Although he criticized his prayer, he did not criticize him for greeting him afterward.

In light of this, it is a prophetic tradition to offer three greetings upon entering the masjid, namely one should say: in the name of Allaah, may salutations be upon the messenger of Allaah. Afterward, he should perform two bowings of prayer, and finally he should greet the people.

How He Returned Home By Night

He would greet his family quietly when returning home at night. Narrated by Muslim.

Greeting Before Speaking

The following has been mentioned in At Tirmidhee: (a greeting precedes speech).

(do not invite anyone to eat until he greets you).

Although the previous two narrations are unreliable, they are implemented.

Aboo Ahmad has narrated that Ibn 'Umar has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (a greeting precedes inquiry, so if one questions you before greeting you, do not respond).

It has been mentioned that he would not grant permission to one who did not begin by greeting, and it has been mentioned that he has said: (do not grant permission to one who does not begin by greeting).

When reaching the front door, he would not look straight ahead. Rather, he would look to the right or left and say: (may peace be upon you, may peace be upon you).

How He Greeted The Absent

He would rely upon others to convey his greetings and others would rely upon him to convey their greetings. In fact, Jibreel said the following to him concerning Khadeeja Bint Khuwaylid: (Khadeeja has brought you food, so greet her on behalf of myself and my lord and give her glad tidings of paradise).

He said to 'Aa'isha: (Jibreel greets you) , so she responded by saying: and may the peace, mercy, and blessings of Allaah be upon him. He sees what I cannot see.

How He Responded When Greeted

It was his practice to respond when greeted: and may the peace, mercy, and blessings of Allaah be upon you. An Nasaa'ee has mentioned that a man said to him: may peace be upon you, so he said: (ten) , and then he sat. Afterward, another man said: may the peace and mercy of Allaah be upon you, so he said: (twenty) , and then he sat. Afterward, another man came and

said: may the peace, mercy, and blessings of Allaah be upon you, so he said: (thirty). At Tirmidhee has declared this narration authentic (hasan).

Aboo Daawud has narrated this via Mu'aadh Bin Anas with the following addition: afterward, another man came and said: may the peace, mercy, blessings, and forgiveness of Allaah be upon you, so he said: (forty). However, this narration is unreliable due to Aboo Marhoom 'Abdur Raheem Bin Maymoon and Sahl Bin Mu'aadh. In addition, Sa'eed Bin Abee Maryam did not state that he heard this from Naafi' Bin Yazeed. Rather, he thought that he did.

The following narration of Anas is even less reliable: a man said to the prophet (may Allaah send salutations upon him) may peace be upon you O messenger of Allaah, so he said: (and may the peace, mercy, blessings, forgiveness, and pleasure of Allaah be upon you). As a result, someone said: O messenger of Allaah, you have never greeted any of your companions like this. He asked: (what could prevent me from doing so when he has received the reward of more than ten men) ?

How He Would Greet A Group

Anas has said: the messenger of Allaah (may Allaah send salutations upon him) would repeat his speech three times in order to be understood, and he would also do this when meeting a group. Narrated by Al Bukhaaree.

He uttered the greeting three times when reaching the home of Sa'd Bin 'Ubaada, though he returned after receiving no response. However, had it been a regular practice of his to utter the greeting three times, his companions would have done so as well.

He would initiate a greeting and would immediately respond with a greeting which was equal or greater, and he would only delay if he had an excuse.

His response could always be heard and he would only respond with a gesture during prayer. As for the following narration: (if one gestures during prayer and is understood, he must repeat his prayer) , it is unreliable due to Aboo Ghatfaan. Ad Daaraqutnee has said: Aboo Daawud has said to us: Aboo Ghatfaan is unknown. The truth of the matter is that the prophet (may Allaah send salutations upon him) gestured during prayer as has been narrated by Anas, Jaabir, and others.

How He Would Initiate A Greeting

He would initiate a greeting by saying: (may the peace and mercy of Allaah be upon you) , and he disliked that one greet in the singular form. In fact, he said: (do not say 'alaykas salaam, because this is reserved for the dead). An authentic prophet tradition.

Some have been lead to believe that this opposes his practice of greeting the dead by saying: (as salaamu 'alaykum). Consequently, they believed that

the legislated method of greeting was to say: 'alaykas salaam. However, when the prophet (may Allaah send salutations upon him) said: (do not say 'alaykas salaam, because this is reserved for the dead) , he meant that it was a custom, and poets greet the dead in this fashion.

He would respond by saying: (wa 'alaykas salaam) , and people have asked if it is correct to respond by saying: ('alaykas salaam). Some have said that if one responds as such, he has not fulfilled his obligation, because he has opposed the prophetic tradition. In addition, it would not be known if he were initiating a greeting or responding to one. Furthermore, since he has commanded us to respond to the people of the book by saying: wa 'alaykum, then it is more appropriate to respond similarly when greeted by the believers.

Conversely, some such as Ash Shaafi'ee have considered this response valid, and he relied upon the following verse: **{have you heard the story of the honored guests of Ibraaheem who greeted him saying salaam. He responded by saying salaam}** [Adh Dhaariyaat/24-25] , i. e. salaam 'alaykum.

﴿هَلْ أَتَاكَ حَدِيثُ ضَيْفِ إِبْرَاهِيمَ الْمُكْرَمِينَ﴾ (٢٥) إِذْ دَخَلُوا عَلَيْهِ فَقَالُوا

سَلَامًا قَالَ سَلَامٌ ﴿[الذاريات: 24-25]

They have also relied upon the following: Aboo Hurayra has narrated that the prophet (may Allaah send salutations upon him) has said: (when Allaah created Aadam, he said: greet those angels and listen to their response, because it will be the greeting of you and your progeny. As a result, he said: may peace be upon you, and they said: may the peace and mercy of Allaah be upon you. Narrated by Al Bukhaaree.

They have said: a Muslim is obliged to respond with a greeting which is equal or greater, so if he responds with a greeting which is equal, he has been just.

As for his statement: (when the people of the book greet you, respond by saying: wa 'alaykum) , various wordings exist. Al Khattaabee has said: most scholars of prophetic tradition narrate: (wa 'alaykum). However, Sufyaan Bin 'Uyayna has narrated: ('alaykum) , and this is correct, because their statement returns to them when this is said.

As for their statement: as saammu 'alaykum, most maintain that "as saamm" is death which is mutual in this case, and this is reflected when (wa 'alaykum) is said. Whereas, when ('alaykum) is said, it is suggested that the one who has initiated the greeting deserves death more than the one who has responded to it. Consequently, it is better to say (wa 'alaykum) as Maalik and others have narrated.

Some have said that "as samm" means impatience, thus ('alaykum) must be said in this case. However, this is not a well known definition. Rather,

the prophet (may Allaah send salutations upon him) has said: (the black seed is a cure for every ailment except as saamm) , and none disagree that his intent was death.

Greeting The People Of The Book

He has said: (do not greet them first, and if you meet them upon the road, force them aside). Some have said that this was said as the companions proceeded to Banoo Quraydha. As for his statement: (do not greet them first) , does it apply to all people of the book or not? It seems that this applies to all people of the book as most of the early believers have said. However, it has been narrated that Ibn ‘Abbaas and Aboo Umaama have said that one may greet them first, and some scholars of the Shaafi’ee legal school have said that one may do so saying: as salaamu ‘alayka.

Some have said that one may greet the people of the book first due to fear and kinship etc. It has been narrated that Ibraaheem An Nakha’ee and ‘Alqama maintained this view.

As for responding to the people of the book, there is a discrepancy. The majority have maintained that it is obligatory, and this is correct. Conversely, some have said that it is not obligatory to respond to them as it is not obligatory to respond to innovators. However, we have been commanded to shun innovators as a warning and punishment unlike the people of the book.

How He Would Greet A Mixed Gathering

He greeted an assembly of believers, polytheists, and Jews.

He wrote to Heracles saying: (peace be upon he who accepts the guidance).

It has been mentioned that he has said: (if a group passes by, one of them may greet, and if a group is sitting, one of them may respond). Those who hold that one may relieve others of this obligation rely upon this narration. Unfortunately, it is unreliable due to Sa’eed Ibn Khaalid Al Khuzaa’ee Al Madanee who has been criticized by Al Bukhaaree and others.

When someone would greet him on behalf of another, he would greet both parties, and a man said to him: my father sends his greetings. Consequently, he said: (may peace be upon you and your father).

It was his practice to avoid greeting innovators until they repented. As a result, Ka’b Bin Maalik would greet him, though he could not tell if he responded.

He also did not respond to ‘Ammaar Bin Yaasir, and he shunned Zaynab Bint Jahsh.

Seeking Permission

He has said: (permission is sought three times, if it is not granted, depart).

He has said: (permission is sought due to vision). In fact, he wished to remove the eye of a person who peered into his home, and he said: (permission is sought due to vision).

He has said: (if one looks inside a house without permission, the owner may remove his eye).

It was his practice to greet before seeking permission, and he instructed others to do so as well. In fact, when a man asked: may I enter? He said to another man: (teach him how to seek permission). As a result, he said: say: may peace be upon you, may I enter? Once he did that, the prophet (may Allaah send salutations upon him) allowed him to enter. This refutes those who say that one should seek permission before greeting, and those who say that one should greet before seeking permission if he sees the owner of the house before entering.

It was his teaching that one should depart if permission is not granted after three attempts. This refutes those who say that one should exceed three attempts if he thinks that he has not been heard, and those who say that he should seek permission by saying something else.

One Should State His Name When Seeking Permission

It was his teaching that one state his name when seeking permission as Jibreel did when ascending the heavens.

As the prophet (may Allaah send salutations upon him) sat in a garden, Aboo Bakr sought his permission, so he asked: (who are you) ? He replied: Aboo Bakr. Afterward, 'Umar sought his permission, so he asked: (who are you) ? He replied: 'Umar. Finally, 'Uthmaan sought his permission, so he asked: (who are you) ? He replied: 'Uthmaan.

Jaabir has said: I knocked on the door and the prophet (may Allaah send salutations upon him) asked: (who is there) ? I replied: me. He said: (me) ? !It seemed that he disliked my response. Narrated by Al Bukhaaree and Muslim.

When Umm Haanee sought permission, he asked her: (who are you) ? She replied: Umm Haanee, and although she mentioned her kunya, he did not object, nor did he object when Aboo Dharr and Aboo Qataada sought permission in the same fashion.

Does An Invitation Constitute Permission?

It has been narrated that Aboo Hurayra has said: the messenger of Allaah has said: (if a man is invited to eat and arrives with the messenger, permission has been granted).

Al Bukhaaree has mentioned a prophetic tradition which indicates that one should seek permission after receiving an invitation, and Aboo Hurayra has said: I found some milk and the prophet (may Allaah send salutations upon him) said: (bring the people of the veranda to me). He said: they accepted the invitation, and then they sought permission.

When the messenger of Allaah (may Allaah send salutations upon him) desired seclusion, he would order someone to close the door, and none would enter without permission.

The Three Times When Permission Is Sought

Allaah has commanded children and slaves to seek permission at three times: before dawn, at noon, and at bedtime. Ibn 'Abbaas enjoined this practice and said that it was neglected.

Conversely, a group have said that this practice has been abrogated, though they have not provided proof.

A group has said that this practice is merely preferred and not obligatory, though they have not provided proof.

A group has said that women are obliged to seek permission at these three times. Whereas, men are always obliged to seek permission.

A group has said the opposite of the previous group.

A group has said that this practice was enjoined due to necessity but became unnecessary, and Aboo Daawud has narrated that a group from Iraq asked Ibn 'Abbaas: O Ibn 'Abbaas, how do you oblige us to implement a verse which has been completely neglected? **{O you who believe, may those whom you possess seek your permission}** [An Noor/58].

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا اسْتَأْذِنُوا الَّذِينَ مَلَكَتْ أَيْمَانُكُمْ﴾ [النور: 58]

Consequently, he replied: Allaah is wise and merciful. People did not have curtains, thus Allaah ordered children and slaves to seek permission at three times. However, I noticed that this practice became neglected.

Some have said that this is not a statement of Ibn 'Abbaas, and they have wrongly criticized 'Ikrima and 'Amr Bin Abee 'Amr.

A group has said that this verse must be implemented although most people have neglected it.

The truth of the matter is that if there is an alternative in this regard, then seeking permission is unnecessary. Otherwise, it is inevitable, and the ruling in question is subject to the cause which the verse has indicated. As a result, when the cause exists, so does the ruling. Conversely, when the cause does not exist, neither does the ruling, and Allaah knows best.

His Guidance Concerning The Remembrance Of Sneezing

He has said: (Allaah loves sneezing and dislikes yawning, so if you praise him when sneezing, whoever hears you is obliged to say: may Allaah have mercy upon you. As for yawning, it is caused by Shaytaan. Consequently, you must attempt to resist, because Shaytaan laughs at you when you yawn). Narrated by Al Bukhaaree.

He has said: (when you yawn, say: praise belongs to Allaah, and may your brother say: may Allaah have mercy upon you. If he says this, then say: may Allaah guide you and improve your condition).

Anas has narrated that two men sneezed near the prophet (may Allaah send salutations upon him) and that he only supplicated for one of them. As a result, the one whom he did not supplicate for said: you supplicated for him but not for me. He said: (he praised Allaah though you did not). Narrated by Al Bukhaaree and Muslim.

He has said: (if someone sneezes and praises Allaah, supplicate for him. Otherwise, do not supplicate for him). Narrated by Muslim.

Aboo Hurayra has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (a Muslim is entitled to six: when you meet him, greet him. When he gives you an invitation, accept it. When he seeks your advice, offer it. When he sneezes and praises Allaah, supplicate for him. When he is ill, visit him, and when he dies, join his funeral procession). Narrated by Muslim.

He has said: (if someone sneezes, he should say: praise belongs to Allaah in all circumstances, and his companion should say: may Allaah have mercy upon you. Thereafter, he should say: may Allaah guide you and improve your condition). Narrated by Aboo Daawud with a sound chain.

It has been narrated that a man sneezed near Ibn 'Umar and said: praise belongs to Allaah and may peace be upon his messenger. Consequently, Ibn 'Umar said: I also say praise belongs to Allaah and may peace be upon his messenger. However, he taught us to say: (praise belongs to Allaah in all circumstances). Narrated by At Tirmidhee.

Naafi' has narrated that when someone would say to Ibn 'Umar: may Allaah have mercy upon you, he would say: may Allaah have mercy upon us and may he forgive us. Narrated by Maalik.

The first prophetic tradition suggests that everyone must supplicate for someone who praises Allaah when sneezing, thus the supplication of one person is inadequate. This was the view of Ibn Abee Zayd and Aboo Bakr Ibn Al 'Arabee, and it is acceptable.

It has been narrated that a man sneezed near the prophet (may Allaah send salutations upon him) and said: may peace be upon you. As a result, the messenger of Allaah (may Allaah send salutations upon him) said: (may peace be upon you and your mother). He then said: (when you sneeze, praise Allaah, and may one say: may Allaah have mercy upon you, and may you say: may Allaah forgive us).

When the prophet (may Allaah send salutations upon him) greeted the mother of this man, he implied that his greeting was out of place, he also reminded him of her.

Since sneezing allows one to discharge harmful vapors, it has been legislated that one praise Allaah.

Allaah loves a slave who remembers him, and this angers Shaytaan. He also becomes angry when the believers supplicate for him.

Chapter

Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) would cover his mouth with his hand or garment when sneezing in order to muffle the sound. At Tirmidhee has said: an authentic prophetic tradition.

He has said: (excessive yawning and sneezing is induced by Shaytaan).

He has said: (Allaah dislikes that one raise his voice when yawning and sneezing).

He said to a man who sneezed: (may Allaah have mercy upon you) , then he sneezed again. As a result, he said: (he has a cold). This is the wording of Muslim.

Salama Bin Al Akwa' has said: a man sneezed near the messenger of Allaah (may Allaah send salutations upon him) as I watched, so he said: (may Allaah have mercy upon you) , he then sneezed twice thereafter. Consequently, he said: (he has a cold). At Tirmidhee has said: this is an authentic (hasan saheeh) prophetic tradition.

Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (supplicate for your brother three times. If he sneezes more than that, he has a cold). Narrated by Aboo Daawud.

Aboo Daawud has mentioned that 'Ubayd Bin Rifaa'a Az Zarqa has narrated that the prophet (may Allaah send salutations upon him) has said: (when someone sneezes, his companion should supplicate for him. However, if he sneezes more than three times, he should not, because he has a cold).

This narration is unreliable, because 'Ubayd was not a companion. In addition, Aboo Khaalid Yazeed Bin 'Abdir Rahmaan Ad Daalaanee has been criticized.

If someone says: a person who is ill is more deserving of a supplication than a person who is well, one should reply: an appropriate supplication should be uttered.

His statement: (he has a cold) suggests that one should seek well being for him, because a cold is an illness which prevents continuous supplication.

If a person sneezes and praises Allaah, must those who did not hear him supplicate? It appears that they must supplicate once it is verified that he has praised Allaah. Similarly, if a mute person sneezes and is seen moving his lips, others must supplicate for him.

If a person who sneezes neglects to praise Allaah, should he be reminded to do so? Ibn Al 'Arabee has said: one who reminds him to praise Allaah is ignorant. Conversely, An Nawawee has said: whoever claims this is mistaken, and it has been narrated that Ibraaheem An Nakha'ee has said this as well.

The prophetic tradition supports the position of Ibn Al 'Arabee. Reason being, the prophet (may Allaah send salutations upon him) did not

supplicate for one who neglected to praise Allaah when sneezing, nor did he remind him to do so. This was a punishment meant to deprive him of the blessings of supplication since he deprived himself of the blessings of praise. Consequently, the prophet (may Allaah send salutations upon him) prevented the believers from supplicating for him. However, if it were a prophetic tradition to remind one to praise Allaah when sneezing, the prophet (may Allaah send salutations upon him) would have been the first to do so.

How One Should Supplicate For A Person Of The Book Who Sneezes

The Jews wished that the prophet (may Allaah send salutations upon him) would seek mercy for them when sneezing, though he would say: (may Allaah guide you and improve your condition).

His Guidance Concerning Salaatul Istikhaara

He has said: (if a matter concerns you, perform a prayer of two bowings and say: I seek your decision due to your knowledge and seek your infinite grace, because you are capable and aware while I am not. O Allaah, if you know that this will benefit me in this life and the next, then place it within my reach and bless me. However, if you know that this will harm me in this life and the next, then distance me from it, and grant me whatever good you please and make me satisfied with it). Then he states his request. Narrated by Al Bukhaaree.

The prophet (may Allaah send salutations upon him) taught his nation this supplication to replace earlier methods which were used in an attempt to know the unseen. Conversely, this supplication is one of monotheism, servitude, and reliance. In addition, it is a means of beseeching the only one capable of facilitating good and preventing evil, and none can withhold the mercy which he grants and none grant the mercy which he withholds.

This supplication is an acknowledgement of the existence of Allaah the glorified as well as his perfection and lordship.

Sa'd Bin Abee Waqqaas has narrated that the prophet (may Allaah send salutations upon him) has said: (it is joyful for a child of Aadam to consult Allaah and to be pleased with his decree, though it is sorrowful for him to act otherwise). Narrated by Ahmad.

To seek the decision of Allaah is to rely upon him due to his knowledge, ability, and sound judgement, and this is necessary for he who is pleased with him as his lord. However, one who does not act as such cannot savor the sweetness of faith. As for happiness, it is recognized when a slave is pleased with the decree of Allaah.

His Guidance Concerning The Remembrance Of Travel

Anas and others have said: whenever the prophet (may Allaah send salutations upon him) sought to travel, he would say: (O Allaah, I proceed to

you and with you while relying upon you. O Allaah, you are my hope and trust. O Allaah, suffice me. You are magnificent and there is no deity worthy of worship except you. O Allaah, provide me with reverence, and forgive me and direct me toward goodness wherever I proceed).

His Guidance When Traveling While Mounted

He would utter the takbeer three times when traveling while mounted, then he would say: (glory belongs to he who has made this subservient when we were unable, and we return to our lord. O Allaah, I seek goodness and reverence during this journey. O Allaah, make our trip easy, and you are a companion during travel who maintains our families at home. O Allaah, accompany us during this journey and maintain our families). He would repeat this upon his return while adding: (we return having repented and praise our lord).

Chapter

He would say while placing his foot in the stirrup: (in the name of Allaah) , and once he was seated he would say three times each: (praise belongs to Allaah) (Allaah is the greatest) (glory be to Allaah). Afterward, he would say: (there is no deity worthy of worship except you. Glory belongs to you, I have been unjust to myself, so forgive me, and none forgives except you).

A man came to him and said: I wish to travel, so give me provisions. He said: (may Allaah grant you reverence). The man said: give me more. He said: (and may he forgive you). The man said: give me more. He said: (may he facilitate good for you wherever you are).

He and his companions would utter the takbeer when ascending and would utter the tasbeeh when descending.

He would say: (the angels do not accompany a group which has a dog or a bell).

He disliked that one travel alone at night, and he has said: (if people knew what solitude entails, none would travel alone).

In fact, he disliked that one travel alone at all times, and he has said: (one person is a demon, and two people are two demons, though three people are a group).

He would say: (when you reach a resting place, say: I seek the protection of the complete speech of Allaah from the evil which he has created, and you will not be harmed for the duration of your stay).

Ahmad has mentioned that he would say at nightfall: (O land, our lord is Allaah. I seek his protection from your evil and the evil of those upon you).

He would say when seeing a village which he wished to enter: (O Allaah, lord of the seven heavens, the seven earths, the demons, and the wind. We seek the good of this village and seek your protection from the evil of it).

He forbade that one bring the Qur'aan to a hostile land fearing that the enemy would obtain it.

He ordered a traveler to return to his family without delay.

He would say upon his return: (there is no deity worthy of worship except Allaah who is alone. Praise and dominion belong to him and he is completely capable. We return having repented and praise Allaah. He has fulfilled his promise, has aided his slave, and has defeated the allies alone).

He forbade that a man return to his family at night if he was away for a long time.

He would embrace one who returned from a journey and would kiss him if he was a relative, and it has been narrated that 'Aa'isha has said: Zayd Bin Haaritha arrived while the messenger of Allaah (may Allaah send salutations upon him) was at my house. When he knocked on the door, the messenger of Allaah (may Allaah send salutations upon him) dragged his garment while naked, and only then did I see him unclothed. Thereafter, he hugged and kissed him.

It has been narrated that 'Aa'isha has said: when Ja'far and his companions arrived, the prophet (may Allaah send salutations upon him) hugged him and kissed him between the eyes.

Ash Shu'ba has said: when the companions of the messenger of Allaah (may Allaah send salutations upon him) would return, they would embrace each other.

When he would return from a journey, he would perform two bowings of prayer in the masjid.

His Guidance Concerning The Remembrance Of Marriage

He taught the companions the sermon of need: (praise belongs to Allaah whose aid and forgiveness we seek. We seek his protection from the evils of ourselves and our bad deeds. Whomever Allaah guides cannot be misguided, and whomever he misguides cannot be guided. I declare that there is no deity worthy of worship except Allaah and that Muhammad is his slave and messenger. **{O you who believe, revere Allaah aptly and do not die unless you are Muslim}** [Aalu 'Imraan/102].

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ حَقَّ تَقَاتِهِ وَلَا تَمُوتُنَّ إِلَّا وَأَنتُمْ مُسْلِمُونَ﴾ [آل عمران: 102]

{O humanity, revere your lord who created you from one soul from which he created a mate, and man has emanated from them. Revere Allaah for whose sake you implore one another and revere the womb. Allaah indeed watches over you} [An Nisaa/1].

﴿يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً وَاتَّقُوا اللَّهَ الَّذِي

تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا﴾ [النساء: 1]

{O you who believe, revere Allaah and speak the truth. He will rectify your actions and forgive your sins, and whoever obeys Allaah and his messenger has achieved a major victory} [Al Ahzaab/70-71].

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَقُولُوا قَوْلًا سَدِيدًا ۖ يُصْلِحْ لَكُمْ أَعْمَالَكُمْ وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ وَمَنْ يُطِيعِ اللَّهَ

وَرَسُولَهُ فَقَدْ فَازَ فَوْزًا عَظِيمًا﴾ [الأحزاب: 70-71]

Shu'ba has said: I asked Aboo Ishaaq: is this said during the sermon of marriage or at other times? He replied: it is said whenever the need arises, and the prophet (may Allaah send salutations upon him) has said: (if you obtain a wife, servant, or beast, grasp a forelock and say: O Allaah, allow me to enjoy her goodness and protect me from her evil).

He would say to the groom: (may Allaah bless you and join you in goodness).

He has said: (if one says when approaching his wife: in the name of Allaah, protect us and what you will grant us from Shaytaan, their child will never be harmed).

His Guidance Concerning What Is Said When One Is Pleased By His Wealth Or Family

It has been mentioned that Anas has said: if Allaah grants a slave wealth, offspring, or a wife and he says: this is what Allaah has willed and there is no strength without him, he will ultimately see the result.

What One Says To One Who Has Been Tried

He has said: (if one says: praise belongs to Allaah who has spared me your trial and has been graceful to me, that trial will not afflict him whatever it may be).

What One Should Say In Light Of A Premonition

He has said: (a good premonition is better, though a bad premonition does not divert a Muslim, so if you see a disturbing omen, say: O Allaah, good can only come from you and only you can repel evil, and there is no strength without you).

Ka'b used to say: O Allaah, there is no premonition or goodness except yours, and there is no strength without you. By he in whose hand is my soul, this is the utmost of reliance and the treasure of a slave which lies in paradise. If he says this, he will not be harmed.

What One Says Who Has A Nightmare

He has said: (a vision is from Allaah and a nightmare is from Shaytaan, so if one has a nightmare, he should spit toward the left three times and seek the protection of Allaah, and he should not disclose what transpired. However, if one has a vision, he should rejoice and share it with those who are dear to him).

He ordered one to sleep upon his other side and to pray after having a nightmare.

He has enjoined five acts in this instance:

spitting toward the left

seeking the protection of Allaah from Shaytaan

withholding what has transpired

switching sides

prayer

If one performs these acts, he will not be harmed.

‘Umar Bin Al Khattaab would say before a dream was narrated: O Allaah, if it is good, may it be for us, and if it is bad, may it be for our enemy.

It has been mentioned that he would he say before interpreting a dream: (you have seen good).

What One Should Say And Do If He Is Afflicted By Whispering

What Prevents Whispering

‘Uthmaan Bin Abee Al ‘Aas said to the prophet (may Allaah send salutations upon him) : O messenger of Allaah (may Allaah send salutations upon him) , Shaytaan has interfered with my prayer and recitation, so he said: (that is a Shaytaan named Khinzib. If you perceive him, seek protection from Allaah and spit toward the left three times).

He taught one to say: **{he is the first, the last, the evident, and imperceivable who knows everything}** [Al Hadeed/3].

﴿هُوَ الْأَوَّلُ وَالْآخِرُ وَالظَّاهِرُ وَالْبَاطِنُ وَهُوَ بِكُلِّ شَيْءٍ عَلِيمٌ﴾ [الحديد:3]

If it is said to him: Allaah is the creator, so who has created him?

Creation has emanated from one with no beginning and will terminate reaching one with no end, and nothing lies above or below him.

It is inevitable that man reach a creator who has not been created, one who is self-sufficient unlike creation.

The prophet (may Allaah send salutations upon him) has said: (people will continue to question each other until someone says: Allaah is the creator, so who has created him? In that case, you must seek his protection).

Allaah the most high has said: **{if Shaytaan whispers to you, seek the protection of Allaah. He is the hearing and knowing}** [Fussilat/36].

﴿وَمَا يَنْزَعُكَ مِنَ الشَّيْطَانِ نَزْعٌ فَاسْتَعِذْ بِاللَّهِ إِنَّهُ هُوَ السَّمِيعُ الْعَلِيمُ﴾ [فُصِّلَتْ:36]

Since a Shaytaan can be visible or invisible, Allaah the glorified and most high ordered his prophet (may Allaah send salutations upon him) to avoid the former and to seek his protection from the latter. In fact, he mentioned them both in Al A’raaf, Al Mu’minoona, and Fussilat.

Recitation and remembrance are the most effective means of repelling

the evil of jinn, and good behavior is the most effective means of repelling the evil of man.

What One Says And Does When Enraged

The prophet (may Allaah send salutations upon him) ordered one to extinguish the fire of anger with ablution, and he ordered one to sit if standing and to recline if sitting. He also ordered one to seek the protection of Allaah from the reviled Shaytaan.

Since anger and desire are two hot coals upon the chest of man, he has been commanded to seek the protection of Allaah and to extinguish them with ablution and prayer.

Since all disobedience stems from anger and desire which leads to murder and fornication, Allaah has mentioned the former and latter simultaneously in Al An'aam, Al Israa, Al Furqaan, and Al Mumtahina.

What He Would Say When Pleased And Displeased

He would say when pleased: (praise belongs to Allaah whose grace makes good things complete).

He would say when displeased: (praise belongs to Allaah under all circumstances).

What One Says To A Person Who Does Him A Favor

When Ibn 'Abbaas provided water so that the prophet (may Allaah send salutations upon him) could perform ablution, the prophet (may Allaah send salutations upon) said: (O Allaah, grant him religious understanding and and the ability to interpret).

When Aboo Qataada aided him during a night journey, he said: (may Allaah preserve you as you have preserved his prophet).

He has said: (if one says to a person who has done him a favor: may Allaah reward you, he has aptly commended him).

When he repayed 'Abdullaah Bin Abee Rabee'a, he said: (may Allaah bless your family and wealth. The reward of a loan is praise and payment).

When given a gift, he would reciprocate by giving a gift which was better. However, he would apologize when returning a gift, and he said when offered game: (we are not rejecting this. Rather, we have entered ihraam).

His Guidance During Gatherings

He ordered the believers to seek the protection of Allaah from the reviled Shaytaan when hearing a donkey, and he ordered them to seek his grace when hearing a rooster.

He ordered the believers to utter the takbeer upon spotting a fire, because the takbeer extinguishes it.

He disliked that a gathering be free of the remembrance of Allaah the magnificent, and he has said: (leaving a gathering without remembering

Allaah is like leaving the carcass of a donkey).

He has said: (if one neglects to remember Allaah when sitting or reclining, he will make him regretful).

He has said: (if one walks a path without remembering Allaah, he will become regretful).

He has said: (if one says the following before leaving a disorderly gathering, he will be forgiven for what has transpired: O Allaah, by your praise and glory, I declare that there is no deity worthy of worship except you. I seek your forgiveness and repent.

Insomnia

He would teach his companions to say: (I seek the protection of the complete speech of Allaah from the anger of Allaah, the evil of his servants, and the whispering of demons).

Disliked Speech

One should not say: my soul has become lowly.

One should not call the grape tree karam.

One should not say the people are ruined, and the prophet (may Allaah send salutations upon him) has said: (if one says that, he is worse than all of them).

One should not say what Allaah and so and so have willed. Rather, one should say: what Allaah has willed and then so and so.

A man once said to the prophet (may Allaah send salutations upon him) : what you and Allaah have willed, so he said: (have you made me a partner of Allaah? Say: what Allaah has willed only).

Similarly, one should not say: had it not been for Allaah and so and so, such and such would not...In fact, this statement is even worse.

One should not say: such and such gale has brought us rain. Rather, one should say: it has rained by the grace of Allaah.

One should not swear by other than Allaah, because the prophet has said: (whoever swears by other than Allaah has committed polytheism).

One should not say to a Muslim: O disbeliever.

One should not refer to a ruler as King Of Kings.

Similarly, one should not refer to another as Judge Of Judges.

A master should not say: my slave, nor should a boy say to his master: my lord. Rather, a master should say: my boy or my girl, and they should say my master or mistress.

One should not curse the wind. If it becomes intense, one should ask Allaah for it's good and seek his protection from it's evil.

One should not curse the fever, and the prophet (may Allaah send salutations upon him) has said: (fever cleanses a man of sin as the bellows cleanse iron of impurity).

One should not curse the rooster, and the prophet (may Allaah send salutations upon him) has said: (do not curse the rooster, because he awakes people for prayer).

One should not advocate ignorant practices such as tribalism and partisanship etc.

One should not call the evening prayer 'atama exclusively.

One should not curse a Muslim.

Two people should not whisper in the presence of a third person.

A woman should not describe the features of another woman to her husband.

One should not say: O Allaah, forgive me if you please.

One should not swear frequently.

One should not refer to Al Madeena as Yathrib

One should not ask a man why he has struck his wife unless it is necessary.

One should not say: I fasted for the entire month of Ramadaan, or: I stood in prayer all night.

One who spends should not say: I have suffered a loss.

A jurist should not say when employing reason: Allaah has forbade such and such, or has permitted such and such. Rather, he should only say this when an explicit text exists.

Legal evidence derived from the Qur'aan and prophetic tradition should not be referred to as apparent or figurative, because this diminishes their sanctity. This applies especially to the term intellectually conclusive, and this terminology has been highly detrimental.

A man should not disclose what transpires between him and his wife.

One should not call an authority figure The Delegate Of Allaah or The Successor Of Allaah, because the former and latter are entrusted by one who is absent. Rather, Allaah the glorified is the successor and delegate of a man who is away from his family.

I – Mine – I Have

One should beware of me, mine, and I have, because these words were a trial for Iblees, Fir'awn, and Qaaroon. Iblees said: **{I am better than him}**.

﴿أَنَا خَيْرٌ مِنْهُ﴾ [الأعراف: 12]

Fir'awn said: **{the dominion of Egypt is mine}**.

﴿لِي مَلِكٌ وَصَرٌّ﴾ [الرَّحْف: 51]

And Qaaroon said: **{rather, I received it due to the knowledge which I have}**.

﴿إِنَّمَا أُوتِيتُهُ عَلَىٰ عِلْمٍ عِنْدِي﴾ [القصاص: 78]

The best way to use "I" is to say: I am a sinful slave who seeks forgiveness. The best way to use "mine" is to say: sinfulness and lowliness are mine, and the best way to use "I have" is to say: (forgive me for what I do seriously, jokingly, intentionally, and unintentionally, and I have all of these offenses).

His Guidance Concerning Jihaad

Jihaad is the peak of Islaam which grants one the highest status in this life and the next. As for the messenger of Allaah (may Allaah send salutations upon him), he reached the summit having engaged in all forms of jihaad. Consequently, he relied upon his heart, tongue, limbs, and sword. For this reason, he was the greatest of creation.

Allaah commanded him to engage in jihaad when he said: **{if we pleased, we would send a warner to every village, so disobey the infidels and wage jihaad against them}** [Al Furqaan/51-52].

﴿وَلَوْ شِئْنَا لَبَعَثْنَا فِي كُلِّ قَرْيَةٍ نَذِيرًا﴾ ﴿٥١﴾ فَلَا تَطِيعُ الْكَافِرِينَ وَجَاهِدْهُمْ بِهِ

جِهَادًا كَبِيرًا ﴿٥٢﴾ [الفرقان: 51-52]

This chapter was revealed in Makka. It obliged the believers to wage jihaad using the Qur'aan, and Allaah has said: **{O prophet, wage jihaad against the hypocrites and disbelievers. Their abode is hell which is the worst destination}** [At Tawba/73].

﴿يَا أَيُّهَا النَّبِيُّ جَاهِدِ الْكُفَّارَ وَالْمُنَافِقِينَ وَاغْلُظْ عَلَيْهِمْ وَمَأْوَاهُمْ جَهَنَّمُ

وَبَشِّرِ الْمَصِيدُ﴾ ﴿٧٣﴾ [التوبة: 73]

It is more difficult to wage jihaad against the hypocrites than it is to wage jihaad against the disbelievers, and the former jihaad is waged by a special group of people who are the heirs of the messengers. Although they are few, they are great to Allaah.

Since one of the greatest forms of jihaad is to speak the truth despite major opposition, the jihaad of the messengers was most complete.

Since the jihaad which is waged against the disbelievers stems from the jihaad which is waged against the soul, the former jihaad takes precedence over the latter jihaad, and the prophet (may Allaah send salutations upon him) has said: (the mujaahid is one who wages jihaad against his soul to become more obedient to Allaah, and the muhaajir is one who abandons what he has prohibited). As a result, one who does not wage jihaad against his soul to become more obedient cannot wage jihaad against his enemy.

Jihaad cannot be waged against the aforementioned enemies until another enemy is fought, and he attempts to dissuade man from this jihaad. He is Shaytaan, and Allaah the most high has said: **{Shaytaan is your enemy, so**

treat him as such} [Faatir/6].

﴿إِنَّ الشَّيْطَانَ لَكُمْ عَدُوٌّ فَاتَّخِذُوهُ عَدُوًّا﴾ [فاطر:6]

The slave has been commanded to wage jihaad against these three enemies, and Allaah has granted them authority as a test for the believers. However, he has provided them with arms.

The most high has said: **{we have made some of you a trial for others}** [Al Furqaan/20].

﴿وَجَعَلْنَا بَعْضَكُمْ لِبَعْضٍ فِتْنَةً أَتَصْبِرُونَ وَكَانَ رَبُّكَ بَصِيرًا﴾ [الفرقان:20]

{We shall test you until we know which of you are patient and wage jihaad} [Muhammad/31].

﴿وَلَنَبْلُوَنَّكُمْ حَتَّى نَعْلَمَ الْمُجْتَهِدِينَ مِنْكُمْ وَالصَّابِرِينَ وَتَبَلَّوْا أَخْبَارَكُمْ﴾ [محمد:31]

He has given his slaves intellect, perception, and revelation. He has also granted them angelic support, and he has said: **{I am with you}** [Al Anfaal/12].

﴿إِنِّي مَعَكُمْ فَتَيِّتُوا الَّذِينَ آمَنُوا﴾ [الأنفال:12]

He has informed the believers that if they comply with his demand they will continue to be victorious over their enemies, and that if they are not, it is because they have been disobedient. However, he has ordered them to resume jihaad in this case, and he has informed them that he supports those who are reverent and patient.

He defends the believers in accordance with their faith. Consequently, as faith becomes stronger, so does the defense of Allaah.

Allaah has commanded the believers to wage jihaad as he has commanded them to revere him, and one who reveres him is mindful, obedient, and grateful. As for jihaad, it is waged so that the body may submit completely to Allaah. Simultaneously, one fights Shaytaan by disobeying him and disregarding his promises and threats. Once this war begins, one will become capable of fighting the enemies of Allaah so that his word may become uppermost.

The early believers have given various definitions of jihaad.

Ibn 'Abbaas has said: it is to expend energy while not fearing censure.

Muqaatil has said: it is to act and worship as required.

'Abdullaah Bin Al Mubaarak has said: it is to combat the soul and desire.

Some have thought that the two verses of jihaad and reverence enjoin what one is incapable of, though every slave is able to revere Allaah and wage jihaad as required. In fact, this obligation varies according to strength and knowledge. Consequently, what is required of one who is knowledgeable and capable is not required of one who is not, and consider

how he has concluded by saying: **{he has chosen you and has not imposed a burden upon you}** [Al Hajj/78].

﴿هُوَ أَجْتَبَكُمْ وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ﴾ [الحج:78]

In addition, the prophet (may Allaah send salutations upon him) has said: (I have been sent with monotheism and leniency).

Allaah has allowed one to repent at any time and will accept repentance until the sun rises from the west, and he has offered various methods of expiation such as charity, good deeds, and affliction. He has also provided lawful alternatives which are more favorable and enjoyable than their unlawful counterparts. He creates difficulty as a test, though it is preceded and followed by ease. As a result, Allaah could not oblige one to act beyond his capability.

The Levels Of Jihaad

There are four levels of jihaad: jihaad waged against the soul, jihaad waged against Shaytaan, jihaad waged against the disbelievers, and jihaad waged against the hypocrites.

Jihaad is waged against the soul on four levels:

1. One wages jihaad against his soul so that he may learn the religion of truth which is the sole source of happiness and success.
2. One wages jihaad against his soul so that he may act once he has learned. Otherwise, knowledge would be futile if not harmful.
3. One wages jihaad against his soul so that he may teach. Otherwise, he would be like those who withhold the guidance of Allaah. Consequently, his knowledge would not save him from the punishment of Allaah.
4. One wages jihaad against his soul so that he may endure the difficulty of teaching, and he does so entirely for Allaah.

Once one has completed these four levels, he joins the ranks of those who know the truth and act accordingly.

Fighting Shaytaan

This jihaad has two levels:

1. One wages jihaad against Shaytaan to repel the doubt which he casts.
2. One wages jihaad against Shaytaan to repel his temptation.

Consequently, certainty follows the first jihaad while patience follows the second jihaad, and the most high has said: **{we made some of them leaders due to their patience and certainty}** [As Sajda/24].

﴿وَجَعَلْنَا مِنْهُمْ أَئِمَّةً يَهْدُونَ بِأَمْرِنَا لَمَّا صَبَرُوا وَكَانُوا بِآيَاتِنَا يُوقِنُونَ﴾ [السجدة:24]

Allaah has informed us that religious leadership is attained with patience and certainty, because patience repels lowly desires while certainty repels doubt.

Fighting The Disbelievers And Hypocrites

This jihaad has four levels:

1. the heart
2. the tongue
3. wealth
4. the body

The hand is usually used when waging jihaad against the disbelievers while the tongue is usually used when waging jihaad against the hypocrites.

Fighting Tyrants, Innovators, And Evildoers

This jihaad has three levels:

1. the hand
2. the tongue
3. the heart

The first level is the highest level.

Thirteen levels of jihaad have preceded, and the prophet (may Allaah send salutations upon him) has said: (if one dies without participating in jihaad or wishing to do so, he dies in a state of hypocrisy).

Jihaad Is Incomplete Without Migration

Jihaad is incomplete without migration and there is no jihaad or migration without faith. As for those who seek the mercy of Allaah, they neglect none of these acts. Allaah the most high has said: **{those who believe, migrate, and fight seek the mercy of Allaah, and he is forgiving and merciful}** [Al Baqara/218].

﴿إِنَّ الَّذِينَ آمَنُوا وَالَّذِينَ هَاجَرُوا وَجَاهَدُوا فِي سَبِيلِ اللَّهِ أَتُكْرِمُكَ يَرْجُونَ رَحْمَتَ اللَّهِ﴾

﴿وَاللَّهُ عَفُورٌ رَّحِيمٌ﴾ [البقرة: 218]

As faith is an individual obligation, every person is obliged to perform two migrations: a migration toward Allaah, and a migration toward his messenger (may Allaah send salutations upon him). This entails that one worship Allaah alone and that he adheres solely to the prophetic tradition while affirming it. The prophet (may Allaah send salutations upon him) has said: (if one has migrated for Allaah and his messenger, then his migration is as such. However, if he has migrated for marriage or a worldly endeavor, then his migration is as such).

Allaah has obliged one to wage jihaad against his soul and his Shaytaan, and this is an individual obligation which cannot be fulfilled by another.

As for the jihaad which is waged against the disbelievers and hypocrites, it is only obligatory upon a segment of the nation if they are capable of attaining their objective.

Those Who Have Embodied Jihaad Completely

The messenger of Allaah (may Allaah send salutations upon him) is most honorable to Allaah since he completed all of the levels of jihaad, and he

engaged in jihaad for the entire duration of his prophethood. He began to call to Allaah day and night after receiving the following revelation: **{O you who are covered, rise and warn}** [Al Muddaththir/1-2].

﴿يَا أَيُّهَا الْمُدَّثِّرُ ﴿١﴾ قُمْ فَأَنذِرْ ﴿٢﴾﴾ [المُدَّثِّر: 1-2]

Thereafter, he began to call all man and jinn after receiving the following verse: **{proclaim the order of Allaah}** [Al Hijr/94].

﴿فَأُصْدِعْ يَمَانُؤُمَّ﴾ [الحجر: 94]

Once he began to condemn polytheism, he and his companions became subject to even greater oppression. This is a tradition of Allaah the magnificent who has said: **{what is said to you is what was said to the messengers}** [Fussilat/43].

﴿مَا يُقَالُ لَكَ إِلَّا مَا قَدْ قِيلَ لِلرُّسُلِ مِنْ قَبْلِكَ﴾ [فُصِّلَتْ: 43]

{As such we have created Satanic enemies for every prophet} [Al An'aam/112].

﴿وَكَذَلِكَ جَعَلْنَا لِكُلِّ نَبِيٍّ عَدُوًّا شَيْطَانِ الْإِنْسِ وَالْجِنِّ﴾ [الأنعام: 112]

{As such whenever a prophet came to those before them, they would say that he was either a warlock or a madman} [Adh Dhaariyaat/52].

﴿كَذَلِكَ مَا أَتَى الَّذِينَ مِنْ قَبْلِهِمْ مِنْ رَسُولٍ إِلَّا قَالُوا سَلِيمٌ أَوْ جُنُونٌ ﴿٥٢﴾ أَتَوَصَّوْنَ بِهِمْ بَلْ هُمْ قَوْمٌ طَاغُونَ ﴿٥٣﴾﴾

[الذاريات: 53]

Allaah the glorified asked: **{do you think that you will enter paradise without being afflicted like those before you}** [Al Baqara/214].

﴿أَمْ حَسِبْتُمْ أَنْ تُدْخَلُوا الْجَنَّةَ وَلَمَّا يَأْتِكُمْ مَثَلُ الَّذِينَ خَلَوْا مِنْ قَبْلِكُمْ مَسْتَهْمِ الْأَسَاءَةِ وَالضَّرَّةِ وَزُلُّوا حَتَّى

يَقُولَ الرَّسُولُ وَالَّذِينَ ءَامَنُوا مَعَهُ مَتَى نَصْرُ اللَّهِ ۚ أَلَا إِنَّ نَصْرَ اللَّهِ قَرِيبٌ ﴿٢١٤﴾﴾ [البقرة: 214]

He has said: **{alif laam meem. Do people think that they can claim to believe without being tried. We have tried those before them, and Allaah is indeed aware of those who are truthful and those who are not. Do those who do wrong think that they can evade us. They are utterly mistaken. As for he who wishes to meet Allaah, the time is near, and he is the hearing and knowing. As for he who wages jihaad, he does so for his own sake. Allaah has no need for creation. As for those who believe and do good, we shall expiate their sins and reward their greatest deeds. We have advised man to treat his parents well, though if they struggle to make you a polytheist, do not obey. You will return to me and I will inform you of what you have done. As for those who believe and do good, we shall place them amongst the righteous. Some people say that**

they believe in Allaah, though when they are harmed for his sake, they consider their trial a punishment. Though if your lord granted victory, they would definitely say we were with you. Is not Allaah most aware of what man conceals} [Al 'Ankaboot/1-10].

﴿الَّذِينَ آمَنُوا وَلَمْ يَلْبِسُوا إِيمَانَهُمْ بِظُلْمٍ أُولَٰئِكَ لَهُمُ أَجْرٌ كَبِيرٌ﴾ (١) ﴿وَلَقَدْ فَتَنَّا الَّذِينَ مِن قَبْلِهِمْ فَلَيَعْلَمَنَّ اللَّهُ الَّذِينَ صَدَقُوا وَلَيَعْلَمَنَّ الْكَاذِبِينَ﴾ (٢) ﴿أَمْ حَسِبَ الَّذِينَ يَعْمَلُونَ السَّيِّئَاتِ أَن يَسْبِقُونَا سَاءَ مَا يَحْكُمُونَ﴾ (٣) ﴿مَن كَانَ يَرْجُوا لِقَاءَ اللَّهِ فَإِنَّ أَجَلَ اللَّهِ لَآتٍ وَهُوَ السَّمِيعُ الْعَلِيمُ﴾ (٤) ﴿وَمَن جَاهَد فَإِنَّمَا يَجَاهِد لِنَفْسِهِ إِنَّ اللَّهَ لَغَنِي عَنِ الْعَالَمِينَ﴾ (٥) ﴿وَالَّذِينَ ءَامَنُوا وَعَمِلُوا الصَّالِحَاتِ لَنُكَفِّرَنَّ عَنْهُمْ سَيِّئَاتِهِمْ وَلَنَجْزِيَنَّهُمْ أَحْسَنَ الَّذِي الَّذِي كَانُوا يَعْمَلُونَ﴾ (٦) ﴿وَوَصَّيْنَا الْإِنسَانَ بِوَالِدَيْهِ حُسْنًا وَإِن جَاهَدَاكَ لِتُشْرِكَ بِي مَا لَيْسَ لَكَ بِهِ عِلْمٌ فَلَا تُطِعْهُمَا إِلَىٰ مَرْجِعِكُمْ فَأُنَبِّئُكُم بِمَا كُنتُمْ تَعْمَلُونَ﴾ (٧) ﴿وَالَّذِينَ ءَامَنُوا وَعَمِلُوا الصَّالِحَاتِ لَنُدْخِلَنَّهُم فِي الصَّالِحِينَ﴾ (٨) ﴿وَمِنَ النَّاسِ مَن يَقُولُ ءَامَنَّا بِاللَّهِ فَإِذَا أُوذِيَ فِي اللَّهِ جَعَلَ فِتْنَةَ النَّاسِ كَعَذَابِ اللَّهِ وَلَئِن جَاءَ نَصْرٌ مِّن رَّبِّكَ لَيَقُولُنَّ إِنَّا كُنَّا مَعَكُمْ أَوَلَيْسَ اللَّهُ بِأَعْلَمَ بِمَا فِي صُدُورِ الْعَالَمِينَ﴾ (٩) ﴿الْعنكبوت: 1-10﴾

A slave should consider the wisdom of these verses, because when messengers were sent, a person would either believe or disbelieve. Consequently, those who claimed to believe were tried so that the truthful and untruthful could be identified. As for those who disbelieved, they should not have thought that they could evade Allaah.

Those who believed in the messengers were harmed, thus their trial was painful. Whereas, those who did not believe in the messengers were punished in this life and the next, and that was more painful and enduring. Consequently, all souls experience pain whether they believe or not. However, the believer is ultimately rewarded in this life and the next while the disbeliever is ultimately punished.

Ash Shaafi'ee was asked: which is better, ease or tribulation? He replied: tribulation should precede ease, and Allaah tried the messengers, though once they were patient, he gave them relief. As a result, none should think that he will avoid pain. Rather, those who experience pain vary in terms of intellect, and the most intelligent sell pain which is chronic and excruciating for pain which is mild and temporary.

One may ask: how could an intelligent person choose a pain which is chronic and excruciating? Allaah has said: **{rather, you love this world and forsake the hereafter}** [Al Qiyaama/20].

﴿لَا تَلْبِسْ حُبَّ الدُّنْيَا وَالْآخِرَةِ﴾ (٢٠) ﴿وَتَذَرُونَ الْآخِرَةَ﴾ (٢١) ﴿القيامة: 20-21﴾

One lives in a society where he is expected to agree with others, he

resembles a righteous man amongst an unrighteous people who cannot do wrong without his silence or consent. Although their evil will not befall him initially, he will eventually suffer more than he ever feared. Consequently, one must remember the words of 'Aa'isha: if one pleases Allaah by displeasing people, Allaah will suffice him. However, if one pleases people by displeasing Allaah, he will forsake them.

If one considers world affairs, he will see that this often occurs when one aids corrupt leaders and innovators out of fear. As for one whom Allaah has guided, he refuses to condone unlawful behavior and remains patient. Thereafter, he is rewarded in this life and the next like all who are righteous.

Since pain is unavoidable, Allaah has consoled those who have chosen pain which is mild and temporary instead of pain which is chronic and excruciating. He has said: **{as for he wishes to meet Allaah, the time is near, and he is the hearing and knowing}** [Al 'Ankaboot/5].

﴿مَنْ كَانَ يَرْجُوا لِقَاءَ اللَّهِ فَإِنْ أَجَلَ اللَّهُ لَكَ لَاحَةً وَهُوَ السَّمِيعُ الْعَلِيمُ﴾ [العنكبوت: 5]

A slave will no longer suffer once he meets Allaah. In fact, he will experience unprecedented pleasure due to the pain which he endured while pleasing his lord, and the desire to meet Allaah can provide relief. This is why the prophet (may Allaah send salutations upon him) said: (O Allaah, I ask you due to your knowledge and power to let me live if life is better for me and let me die if death is better for me. Make me fearful of you in public and in private and make me truthful when pleased and displeased. Make me frugal when wealthy and needy and grant me eternal happiness. Make me satisfied with your decree and allow me the joy of beholding your face. Make me yearn to meet you, beautify us with faith, and allow us to guide). Narrated by Ahmad.

As one proceeds toward his beloved, his arduous journey is made easy by his yearning, and this is one of the greatest gifts which Allaah can give. However, Allaah knows best who deserves this, and he has said: **{as such we have made some a trial for others so that the latter would ask: has Allaah been graceful to them and not us, though does he not know best who is grateful}** [Al An'aam/53].

﴿وَكَذَلِكَ فَتَنَّا بَعْضَهُمْ بِبَعْضٍ لِيَقُولُوا أَهَلَّؤُنَا مِنَّ اللَّهِ عَلَيْهِمْ مِنْ بَيْنِنَا

أَلَيْسَ اللَّهُ بِأَعْلَمَ بِالشَّاكِرِينَ﴾ [الأنعام: 53]

Consequently, if a slave is deprived of grace, he should recite: **{does he not know best who is grateful}**.

﴿أَلَيْسَ اللَّهُ بِأَعْلَمَ بِالشَّاكِرِينَ﴾ [الأنعام: 53]

Allaah continued to console the believers by informing them that they would enjoy the fruits of their labor. In fact, this jihaad was entirely for their

own benefit. Thereafter, he informed us that those of limited perception considered their trial a punishment. Consequently, they fled from the punishment of their enemies toward the punishment of Allaah, and one who flees temporary suffering in pursuit of eternal suffering is a complete loser. In any case, when Allaah granted victory, those who did not believe said to his beloved: we were with you. However, Allaah is well aware of the hypocrites.

The wisdom of Allaah has necessitated that he test souls so that it may become clear who his beloved are, because souls are essentially ignorant and unjust, thus they require purification on earth or in hell. However, if a slave if has been purified on earth, he may enter paradise.

The Beginning Of His Mission

When he called to Allaah the magnificent, people from every tribe responded, and he was assisted by Aboo Bakr who successfully invited 'Uthmaan Bin 'Affaan, Talha Bin 'Ubaydillaah, and Sa'd Bin Abee Waqqaas to Islaam.

He said to Khadeeja Bint Khuwaylid who quickly responded to his call: (I feared for myself) , so she said: rejoice. By Allaah, he would never degrade you. Thereafter, she deduced from his noble character that someone like himself could never be humiliated, because the grace of Allaah befits one who is praiseworthy.

'Alee Bin Abee Taalib And Zayd Bin Haaritha

'Alee Bin Abee Taalib accepted Islaam at the age of eight while in the custody of the messenger of Allaah (may Allaah send salutations upon him) who relieved Aboo Taalib of this responsibility.

Zayd Bin Haaritha who was a servant of Khadeeja accepted Islaam. She gave him to the messenger of Allaah (may Allaah send salutations upon him) upon their marriage. Thereafter, his father and uncle came to emancipate him, so the asked for the prophet (may Allaah send salutations upon him) and someone informed them that he was in the masjid. As a result, they came to him and said: O Ibn 'Abdil Muttalib, we have come for our son, so treat us well. He asked: (who is he) ? They replied: Zayd Bin Haaritha. He said: (call him. If he chooses you, he is yours) , so they called him and the messenger of Allaah (may Allaah send salutations upon him) asked: (do you know them) ? He replied: yes. He asked: (who is this) ? He replied: this is my father and this is my uncle. The messenger of Allaah (may Allaah send salutations upon him) said: (choose me or them). He said: I could not choose anyone other than you, you are like my father and uncle. Consequently, his father and uncle asked: have you chosen slavery instead of freedom? He replied: yes, I have seen who this man is. As a result, the messenger of Allaah (may Allaah send salutations upon him) said: (may you be my witness that Zayd is my son and heir). At that point, his father and

uncle complied and departed. Thereafter, he was called Zayd Bin Muhammad until Allaah said: **{attribute them to their fathers}** [Al Ahzaab/5].

﴿ادْعُوهُمْ لِآبَائِهِمْ﴾ [الأحزاب:5]

Then he was called Zayd Bin Haaritha.

It has been narrated that Az Zuhree has said: we do not know of anyone who accepted Islaam before Zayd Bin Haaritha. Allaah has informed us that he was graceful toward him and that the prophet (may Allaah send salutations upon him) gave him his name.

Waraqa Bin Nawfal accepted Islaam, and he wished that he was still a youth so that he could aid the messenger of Allaah (may Allaah send salutations upon him).

It has been narrated in At Tirmidhee that the messenger of Allaah (may Allaah send salutations upon him) saw Waraqa Bin Nawfal in a dream and that his appearance was fine. It has also been narrated that he saw him wearing white garments.

People began to accept Islaam one after the other, but the tribe of Quraysh did not object until their religion and deities were condemned. However, Allaah protected his messenger with his uncle Aboo Taalib who was an honored member of the tribe of Quraysh.

Allaah wisely decreed that Aboo Taalib maintain the religion of his people since this would be advantageous.

The companions of the messenger of Allaah (may Allaah send salutations upon him) suffered for the sake of Allaah. When the prophet (may Allaah send salutations upon him) passed ‘Ammmaar Bin Yaasir and his mother Sumayya as they were being tortured, he said: (be patient family of Yaasir, for paradise awaits you).

Bilal Bin Rabaah received the worst punishment, though he would say: one, one. When Waraqa Bin Nawfal would see him, he would say: by Allaah, O Bilal one, one.

The Suffering Of The Weak Believers And The First Migration To Ethiopia

The persecution intensified until some of the believers accepted Al Laat and Al ‘Uzza as deities. In fact, when the enemy of Allaah Aboo Jahl found Sumayya the mother of ‘Ammmaar Bin Yaasir being tortured, he killed her by shooting her in the vagina with a spear.

When Aboo Bakr would find a slave being tortured, he would emancipate him as he did when finding Bilal and others.

As the persecution intensified, Allaah the glorified allowed the first migration to Ethiopia, and ‘Uthmaan Bin ‘Affaan, his wife, and Ruqayya

the daughter of the messenger of Allaah (may Allaah send salutations upon him) were the first to depart.

A group of twelve men and four women embarked upon this journey, namely:

‘Uthman and his wife
 Aboo Hudhayfa and his wife
 Aboo Salama and his wife
 Az Zubayr Bin Al ‘Awwaam
 Mus’ab Bin ‘Umayr
 ‘Abdur Rahmaan Bin ‘Awf
 ‘Uthmaan Bin Madh’oon
 ‘Aamir Bin Rabee’a and his wife
 Aboo Sabra Bin Abee Rahm
 Haatib Bin ‘Amr
 Suhayl Bin Wahb
 ‘Abdullaah Bin Mas’ood

They fled to the coast where they found two ships which took them to Ethiopia. This was in Rajab during the fifth year. The tribe of Quraysh proceeded to the shore in search of the companions, but they did not find anyone. When the companions were informed that the tribe of Quraysh began to avoid the prophet (may Allaah send salutations upon him), they returned. However, they discovered before reaching Makka that the persecution had only intensified.

Once the companions arrived, Ibn Mas’ood greeted the prophet (may Allaah send salutations upon him), though he did not respond. Ibn Sa’d and others have claimed that he returned to Ethiopia without greeting the prophet (may Allaah send salutations upon him) and that he returned to Al Madeena with those who embarked upon the second migration. However, he participated in the battle of Badr, and those who embarked upon the second migration returned to Al Madeena with Ja’far Bin Abee Taalib and his companions four or five years after the battle of Badr.

It has been said that what Ibn Sa’d has mentioned agrees with the statement of Zayd Bin Arqam who has said: we would speak to each other during prayer until the following was revealed: **{stand reverently for Allaah}** [Al Baqara/238].

[البقرة: 238] ﴿وَقُومُوا لِلَّهِ قَانِتِينَ﴾

This is disproven by the fact that Ibn Mas’ood participated in Badr, and that those who embarked upon the second migration did so during the year of Khaybar. In addition, had Ibn Mas’ood returned before Badr, someone would have mentioned this.

Ibn Ishaq has said: the companions of the messenger of Allaah (may

Allaah send salutations upon him) who migrated to Ethiopia were informed that the people of Makka had accepted Islaam, so they returned. However, they discovered before reaching Makka that this was false. Ibn Ishaaq continued to say that Ibn Mas'ood was amongst the companions who participated in the battle of Badr.

One may ask: how do you respond to the statement of Zayd Bin Arqam? It could be said that the practice of speaking during prayer was prohibited in Makka and was then permitted in Al Madeena before being prohibited once again. It could also be said that Zayd Bin Arqam was amongst the young companions who spoke during prayer until they were forbidden to do so.

The persecution intensified once the companions returned from Ethiopia, so the messenger of Allaah (may Allaah send salutations upon him) allowed a second migration to Ethiopia, though this migration was more difficult.

Eighty three men embarked upon this migration, provided 'Ammar Bin Yaasir was present as Ibn Ishaaq has said. As for the women, nineteen were present.

The messenger of Allaah (may Allaah send salutations upon him) sent a letter to An Najaashee by way of 'Amr Bin Umayya Ad Damree inviting him to Islaam in the month of Rabee' Al Awwal during the seventh year. Once the letter was read, An Najaashee accepted Islaam. He said: If I were able to come to him, I would.

An Najaashee wrote to the messenger of Allaah (may Allaah send salutations upon him) asking to marry Umm Habeeba Bint Abee Sufyaan who migrated to Ethiopia with her husband 'Ubaydullaah Bin Jahsh who died a Christian. Consequently, he married them and gave her 400 dinar on his behalf, and Khaalid Bin Sa'eed Bin Al 'Aas acted as her representative.

The messenger of Allaah (may Allaah send salutations upon him) wrote to An Najaashee asking him to return his companions, and they arrived after the conquest of Khaybar.

In light of this, no confusion should remain concerning the statement of Zayd Bin Arqam. Rather, Ibn Mas'ood returned intermediately to Al Madeena before the battle of Badr and greeted the prophet (may Allaah send salutations upon him). However, the practice of speaking during prayer was prohibited shortly beforehand. Consequently, it was not prohibited in Makka.

Ibn Ishaaq has mentioned that Aboo Moosa Al Ash'aree and 'Abdullaah Bin Qays embarked upon this migration, though experts of the biography of the prophet (may Allaah send salutations upon him) such as Muhammad Bin 'Umar Al Waaqidee have disagreed. They have asked: how could only Ibn Ishaaq know this?

In actuality, Aboo Moosa migrated from Yemen to Ethiopia when he heard about Ja'far and his companions. Thereafter, he returned with them

reaching Khaybar where they met the messenger of Allaah (may Allaah send salutations upon him) , and this has been stated in Saheeh Al Bukhaaree. Consequently, Ibn Ishaah considered his act a migration, though he did not say that he migrated from Makka to Ethiopia, thus he could not be criticized.

An Attempt To Prompt The Return Of The Migrants

When the tribe of Quraysh became aware that the migrants were safe and secure in the kingdom of An Najaashee, they sent 'Abdullaah Bin Rabee'a and 'Amr Bin Al 'Aas to him with gifts in an attempt to prompt their return, though he did not accept them. Thereafter, they sought the intervention of his generals, though he did not concede. Finally, they claimed that the migrants believed that 'Eesa was only a slave of Allaah. Consequently, he summoned them, so Ja'far sought permission to enter. Afterward, An Najaashee asked: what do you say about 'Eesa? As a result, he began to recite from Maryam, so An Najaashee took a piece of wood and said: 'Eesa was no more than this or that. As a result, his generals became angry, so he said: even if you become angry. He then said: disperse, for you are safe and secure, and he said to the two messengers: if you gave me a mountain of gold, I would not surrender them. Thereafter, he ordered that their gifts be returned, and they left humiliated.

The Page Which Was Written By The Tribe Of Quraysh

The Confinement Of The Prophet (May Allaah Send Salutations Upon Him) And The Believers To The Ravine Of Aboo Taalib

Hamza the uncle of the prophet (may Allaah send salutations upon him) and others accepted Islaam and the religion began to spread, so the tribe of Quraysh convened for the sake of an accord which would break all ties between them and the tribes of Banoo Haashim, Banoo 'Abdil Muttalib, and Banoo 'Abdi Manaaf. The objective of this accord was to prompt the surrender of the messenger of Allaah (may Allaah send salutations upon him) , and it was written and hung from the roof of ka'ba. Some have said that it was written by Mansoor Bin 'Ikrima Bin 'Aamir Bin Haashim, and others have said that it was written by An Nadir Bin Al Haarith. However, the truth of the matter is that it was written by Bagheed Bin 'Aamir Bin Haashim whose hand became paralyzed due to the supplication of the prophet (may Allaah send salutations upon him).

The tribes of Banoo Haashim and Banoo Al Muttalib were overcome with the exception of Aboo Lahab who aided the tribe of Quraysh against the prophet (may Allaah send salutations upon him).

The messenger of Allaah (may Allaah send salutations upon him) and those with him were confined to the ravine of Aboo Taalib on the eve of the first of Muharram during the seventh year, and they remained there for three

years. However, some members of the tribe of Quraysh were opposed to their accord, thus Hishaam Bin 'Amr Bin Al Haarith Bin Habeeb Bin Nasr Bin Maalik went to Al Mut'im Bin 'Adee and others seeking to nullify it, and they agreed. Thereafter, Allaah informed his messenger that he sent termites to the page on which the accord was written. As a result, they consumed the entire page with the exception of the name of Allaah the magnificent. Once he informed his uncle, he in turn informed the tribe of Quraysh and asked them to desist if what he said was true. They considered this a fair offer, so they removed the page. However, once they saw that the messenger of Allaah (may Allaah send salutations upon him) was truthful, their disbelief increased. Nevertheless, he and those with him emerged from the ravine. Ibn 'Abdil Barr has said: this was ten years after he became a messenger, and Aboo Taalib and Khadeeja died six months later.

The Call Of The Prophet (May Allaah Send Salutations Upon Him) In Taa'if

The persecution intensified after Aboo Taalib and Khadeeja died, so he went to Taa'if in hopes of gaining protecting from his people. Thereafter, he called the locals to Allaah the magnificent, though he did not find one supporter. In fact, the people of Taa'if were more abusive than his people.

He was accompanied by Zayd Bin Haaritha and spent ten days calling the people, though they were hostile in return. In fact, the people began to stone him until his feet became bloody, and Zayd Bin Haaritha shielded him until his head became fractured. Consequently, he returned to Makka dejected, and he uttered his well known supplication: (O Allaah, I am weak. O you who are most merciful, you are the lord of the downtrodden...).

Consequently, his blessed and most high lord sent an angel to him offering to level Makka with two mountains, though he objected saying: (Allaah may extract from their loins a people who will worship him alone).

A group of demons listened to his recitation during the night prayer, though he did not become aware of this until Allaah revealed the following verses: **{and when we sent a group of demons to you, they said: listen. Thereafter, they returned to warn their people. They said: O people, we have heard a book which was revealed after Moosa, it affirms what was revealed to him and guides toward the truth and the straight path. O people, respond to the caller of Allaah and believe in him. Allaah will forgive you and spare you a painful punishment. As for he who does not respond to the caller of Allaah, he cannot escape, and none can assist him}** [Al Ahqaaf/29-32].

﴿وَإِذْ صَرَفْنَا إِلَيْكَ نَفَرًا مِّنَ الْجِنِّ يَسْتَمِعُونَ الْقُرْآنَ فَلَمَّا حَضَرُوهُ قَالُوا أَنصِتُوا فَلَمَّا قُضِيَ وَلَّوْا إِلَىٰ قَوْمِهِمْ مُنْذِرِينَ ﴿٢٩﴾ قَالُوا يَا قَوْمَنَا إِنَّا سَمِعْنَا كِتَابًا أُنزِلَ مِن بَعْدِ مُوسَىٰ مُصَدِّقًا لِّمَا بَيْنَ يَدَيْهِ

يَهْدِي إِلَى الْحَقِّ وَإِلَى طَرِيقٍ مُسْتَقِيمٍ ﴿٣٠﴾ يَقَوْمَنَا أَجِيبُوا دَاعِيَ اللَّهِ وَآمِنُوا بِهِ، يَعْفِرْ لَكُمْ مِنْ ذُنُوبِكُمْ
وَيُخْرِجَكُمْ مِنْ عَذَابٍ أَلِيمٍ ﴿٣١﴾ وَمَنْ لَا يُجِيبْ دَاعِيَ اللَّهِ فَلَيْسَ بِمُعْجِزٍ فِي الْأَرْضِ وَلَيْسَ لَهُ مِنْ دُونِهِ أَوْلِيَاءُ

﴿٣٢﴾ أُولَئِكَ فِي ضَلَالٍ مُبِينٍ ﴿٣٣﴾ [الأحقاف: 29-32]

He spent days at the tree, and Zayd Bin Haaritha asked: how could you come to them after they banished you? He replied: (O Zayd, Allaah will provide a solution and will support his prophet and religion). Finally, the messenger of Allaah (may Allaah send salutations upon him) greeted the ka'ba and performed two bowings of prayer.

The Night Journey

The messenger of Allaah (may Allaah send salutations upon him) embarked upon a night journey riding from the sacred masjid to the sacred house, and he was accompanied by Jibreel. Once he arrived, he tied his animal to the gate of the masjid and lead the prophets in prayer. It has also been said that his journey ended in Bethlehem and that he performed prayer there, though this is incorrect.

He was raised to the first heaven that night where Jibreel sought entry, and it was granted. Thereafter, he exchanged greetings with Aadam who welcomed him and affirmed his prophethood, and Allaah allowed him to see the souls of the joyous who were on his right side and the souls of the miserable who were on his left side. He was granted permission to enter the second heaven where he exchanged greetings with Yahya Bin Zakariyyaa and 'Eesa Bin Maryam who welcomed him and affirmed his prophethood. He was granted permission to enter the third heaven where he exchanged greetings with Yoosuf who welcomed him and affirmed his prophethood. He was granted permission to enter the fourth heaven where he exchanged greetings with Idrees who welcomed him and affirmed his prophethood. He was granted permission to enter the fifth heaven where he exchanged greetings with Haaroon Bin 'Imraan who welcomed him and affirmed his prophethood. He was granted permission to enter the sixth heaven where he exchanged greetings with Moosa who welcomed him and affirmed his prophethood. Once he departed, Moosa began to cry. Consequently, someone asked: why are you crying? He replied: I am crying because more of his nation will enter paradise than my nation, although he was sent after me. He was granted permission to enter the seventh heaven where he exchanged greetings with Ibraaheem who welcomed him and affirmed his prophethood. Thereafter, he ascended to the tree, the house, and finally Allaah the magnificent who approached, descended, and imposed fifty prayers.

Moosa asked him upon his return: what has been enjoined? He replied: (fifty prayers). He said: your nation is unable, return to your lord and seek a

deduction. As a result, he looked toward Jibreel who gave his consent, and he raised him to the blessed and most high who deduced ten prayers. Afterward, Moosa said: return to Allaah and seek a deduction, so he continued to go back and forth until five prayers remained. Consequently, Moosa commanded him to seek another deduction, so he said: (I am too shy to do so, though I am content).

Did he see his lord that night? The companions have differed in this regard. Ibn 'Abbaas has said that he saw him with his heart.

'Aa'isha and Ibn Mas'ood have said that it was Jibreel who is mentioned in the following verse: **{and he saw him again at the tree}** [An Najm/13-14].

﴿وَلَقَدْ رَآهُ نَزْلَةً أُخْرَىٰ ۖ عِنْدَ سِدْرَةِ الْمُنْتَهَىٰ﴾ [النجم: 13-14]

Aboo Dharr asked him if he saw his lord and he replied: (the light prevented me from seeing him).

'Uthmaan Bin Sa'eed Ad Daarimee has narrated that the companions agreed that he did not see his lord.

Shaykhul Islaam Ibn Taymiyya has said: the statement of Ibn 'Abbaas is not at variance, because the prophet (may Allaah send salutations upon him) has said: (I saw my blessed and most high lord). However, he did so in Al Madeena and not during the night journey, and he saw his blessed and most high lord again that night in a dream. Consequently, Ahmad has said: he did see his lord, because a prophetic vision is actual. However, Ahmad did not say that he saw his lord while awake, and whoever narrates that he did is mistaken.

As for the following statement of Ibn 'Abbaas: he saw him with his heart twice: **{his heart confirmed his vision}** [An Najm/11].

﴿مَا كَذَبَ الْفُؤَادُ مَا رَأَىٰ﴾ [النجم: 11]

{He saw him again} [An Najm/13].

﴿وَلَقَدْ رَآهُ نَزْلَةً أُخْرَىٰ﴾ [النجم: 13]

It has been verified that the one whom he saw twice was Jibreel, and it is this statement which Ahmad relied upon when he said that he saw his lord with his heart, and Allaah knows best.

As for the following statement of Allaah the most high: **{then he approached and descended}** [An Najm/8].

﴿ثُمَّ دَنَا فَتَدَلَّىٰ﴾ [النجم: 8]

It regards Jibreel as 'Aa'isha and Ibn Mas'ood have said, and this is indicated by the following verse: **{he was taught by the mighty one}** [An Najm/5], i. e. Jibreel.

﴿عَلَّمَهُ شَدِيدُ الْقُوَى﴾ [النجم: 5]

As for the night journey, it was Allaah who approached and descended. As for the one whom was seen at the tree as is mentioned in An Najm, it was Jibreel, and Allaah knows best.

His Description Of The Sacred House

When morning arrived, the messenger of Allaah (may Allaah send salutations upon him) informed the people of the miracles which Allaah the magnificent allowed him to see, thus they became more adverse. They asked him to describe the sacred house which he did with help from Allaah, hence they were unable to respond.

Did He Embark Upon The Night Journey In Body And Soul Or In Soul Only?

Ibn Ishaq has narrated that 'Aa'isha and Ibn Mas'ood have said: rather, he embarked upon the night journey in soul, and it has been narrated that Al Hasan Al Basree said this as well. However, one must differentiate between the statement: he embarked upon the night journey while asleep, and the statement: he embarked upon the night journey in soul. As for 'Aa'isha and Ibn Mas'ood, they did not say that he embarked upon the night journey while asleep. Rather, they said that he did so in soul without leaving his body, and it can appear that one is traveling during a dream although his soul remains in place.

As for the ascension, one group has said that the messenger of Allaah (may Allaah send salutations upon him) ascended in body and soul, and another group has said that he did so in soul without leaving his body. However, they did not mean that he ascended while asleep. Rather, they meant that his soul ascended as it does when leaving the body where it ultimately reaches Allaah the magnificent before returning to earth, but the experience of the messenger of Allaah (may Allaah send salutations upon him) was more inclusive.

Since the messenger of Allaah (may Allaah send salutations upon him) was capable of the extraordinary, his blessed soul ascended to heaven without him dying, and that it where the souls of the prophets settled once they had left their bodies. However, the soul remains attached to the body, thus the prophet (may Allaah send salutations upon him) is able to respond to those who greet him. Similarly, he saw Moosa performing prayer in his grave, and he saw him in the sixth heaven as well.

When someone greets the prophet (may Allaah send salutations upon him), Allaah returns his soul to his body without it leaving heaven so that he may respond. As for he who cannot comprehend this, he should consider the effect which the sun has upon the earth, or the effect which fire can have upon one who is far away.

Did The Night Journey Occur More Than Once?

Moosa Bin 'Uqba has narrated that Az Zuhree has said: the soul of the messenger of Allaah (may Allaah send salutations upon him) was taken to the sacred house and then to heaven a year before his migration to Al Madeena. Ibn 'Abdil Barr has said: the night journey took place fourteen months before the migration.

The night journey took place once, but some have said that it took place twice, i. e. while the prophet (may Allaah send salutations upon him) was awake and asleep. It seems that they wanted the following narration to conform with other narrations, namely: (then I woke up).

Some have said that a night journey took place before revelation due to the previous narration and that another night journey took place thereafter due to other narrations. Others have said that there was a night journey before revelation and two night journeys thereafter, though all of this is incorrect. Rather, it is the approach of the Dhaahiree legal school when finding divergent narrations to claim that an incident took place several times. However, the truth of the matter is that the night journey took place once in Makka after revelation.

How could someone believe that fifty prayers were imposed and then reduced several times? As for Shareek who has narrated that the prophet (may Allaah send salutations upon him) has said: (then I woke up) , experts have criticized his narration of the night journey.

The Migration

Allaah separated his enemies from his beloved and made migration a means of honoring his religion and aiding his slave and messenger

Al Waaqidee has said: Muhammad Bin Saalih, 'Aasim Bin 'Umar Bin Qataada, and Yazeed Bin Roomaan have said: the messenger of Allaah (may Allaah send salutations upon him) resided in Makka for three years once he became a prophet. Thereafter, he invited the people to Islaam for ten years. He would seek support during every hajj season, though he did not receive it. He would inquire about all of the tribes and would say: (O people, say: there is no deity worthy of worship except Allaah, and you will be successful. You will rule the Arabs and the non-Arabs will be disgraced. If you believe, you will be kings in paradise). Meanwhile, Aboo Lahab was saying: do not obey him, because he is a liar. As a result, the people said: your family and tribe know you best, thus they have not followed you, though he continued to call them to Allaah while saying: (O Allaah, they are as you have willed for them to be).

The messenger of Allaah (may Allaah send salutations upon him) met six of the Ansaar who were members of the tribe of Al Khazraj during the hajj

season, they were:

Aboo Umaama

'Awf Bin Al Haarith

Raafi' Bin Maalik

Qutba Bin 'Aamir

'Uqba Bin 'Aamir

Jaabir Bin 'Abdillaah

The messenger of Allaah (may Allaah send salutations upon him) gave them an invitation to Islaam which they all accepted. Thereafter, he returned to Al Madeena where Islaam spread throughout the city.

Twelve men arrived the following year, namely:

Mu'aadh Bin Al Haarith

Dhakwaan Bin 'Abdi Al Qays

'Ubaada Bin As Saamit

Yazeed Bin Tha'laba

Aboo Al Haytham

'Uwaymir Bin Maalik

Those previously mentioned were also present with the exception of Jaabir Bin 'Abdillaah. As for Dhakwaan, he resided in Makka before migrating to Al Madeena, thus some have said that he was of the Muhaajiroon as well as the Ansaar.

Aboo Az Zubayr has narrated that Jaabir has said: the prophet (may Allaah send salutations upon him) resided in Makka for ten years asking: (who will assist me to deliver the message of my lord so that he may enter paradise) ? However, none would support him until Allaah sent us from Yathrib. Thereafter, a man would accept Islaam and his family would do so afterward as a result. As a result, Islaam spread throughout the city.

When we came to the messenger of Allaah (may Allaah send salutations upon him) during the hajj season, his uncle Al 'Abbaas said: O my cousin, although I know the people of Yathrib, I do not know these people. Consequently, we met with him, and he said: I do not know these people. We asked: O messenger of Allaah (may Allaah send salutations upon him) what must we promise to do? He replied: (you must promise to obey under all circumstances. You must promise to enjoin good and forbid evil. You must promise to speak for the sake of Allaah without fear of censure. You must promise to aid me and you must promise to deny me what you would deny yourselves and your families so that you may enter paradise). We stood to offer our pledge and Aboo Umaama took his hand and we stood before him one by one.

They proceeded to Al Madeena while accompanied by 'Amr Bin Umm Maktoom and Mus'ab Bin 'Umayr who were sent to teach the Qur'aan and to call to Allaah the magnificent, and they were guests of Aboo Umaama.

They brought many people to Islaam such as Sa'd Bin Mu'aadh. In fact, they brought the entire tribe of Banoo Al Ashhal to Islaam with the exception of Thaabit Bin Waqsh who accepted Islaam on the day of Uhud and was martyred before performing his first prayer. When the prophet (may Allaah send salutations upon him) was informed of this, he said: (he did not do much, though his reward was great).

Once Islaam had spread throughout Al Madeena, Mus'ab returned to Makka where seventy-three people secretly pledged allegiance to the messenger of Allaah (may Allaah send salutations upon him), and the first to do so was Al Baraa Bin Ma'roor. Thereafter, the messenger of Allaah (may Allaah send salutations upon him) selected twelve leaders, namely:

Aboo Umaama

Sa'd Bin Ar Rabee'

'Abdullaah Bin Rawaaha

Raafi' Bin Maalik

Al Baraa Bin Ma'roor

'Abdullaah Bin 'Amr Bin Haraam

He was the father of Jaabir and accepted Islaam that night.

Sa'd Bin 'Ubaada

Al Mundhir Bin 'Amr

'Ubaada Bin As Saamit

These companions were members of the tribe of Al Khazraj.

Usayd Bin Al Hadeer

Sa'd Bin Khaythama

Rifaa'a Bin 'Abdil Mundhir

Some have said that it was Aboo Al Haytham Bin At Tayhaan who accepted Islaam that night.

These companions were members of the tribe of Al Aws.

As for the two women who were chosen, they were:

Umm 'Imaara Naseeba

She was the mother of Habeeb Bin Zayd who killed Musaylima.

Asmaa Bint 'Amr

Those who had pledged allegiance sought the permission of the messenger of Allaah (may Allaah send salutations upon him) to fight the people of Al 'Aqaba, though it was not granted.

When morning arrived, eminent members of the tribe of Quraysh entered the ravine of the Ansaar and said: O tribe of Al Khazraj, we have been informed that you have pledged to wage war against us.

Sa'd Bin 'Ubaada was captured, beaten, and taken to Makka where Mut'im Bin 'Adee and Al Haarith Bin Harb prompted his release.

The messenger of Allaah (may Allaah send salutations upon him) allowed a migration to Al Madeena, and the first to depart was Aboo

Salama Bin 'Abdil Asad and his wife Umm Salama.

People began to migrate until the only believers who remained in Makka were the messenger of Allaah (may Allaah send salutations upon him) , 'Aboo Bakr, and 'Alee.

A Plot To Murder The Prophet (May Allaah Send Salutations Upon Him) Before His Migration To Al Madeena

When the polytheists saw the companions of the messenger of Allaah (may Allaah send salutations upon him) migrate to Al Madeena, they feared that he would join them and gain strength. Consequently, they gathered to discuss the matter, and Iblees arrived in the form of a dignitary. However, he only agreed with Aboo Jahl who said: I think that we should select strong young men from the tribes of Quraysh and give them swords so that they may strike in unison, because Banoo 'Abdi Manaaf will not be able to retaliate against all of these tribes.

Jibreel came to the messenger of Allaah (may Allaah send salutations upon him) with a revelation from his blessed and most high lord informing him of what had transpired, and he was ordered not to sleep in his bed that night.

The messenger of Allaah (may Allaah send salutations upon him) came to Aboo Bakr and said: (Allaah has allowed me to depart).

He ordered 'Alee to sleep in his bed that night and then he proceeded. Thereafter, he sprinkled dust upon the heads of a group of the Quraysh while reciting: **{we placed a barrier in front of them and behind them, thus they cannot see}** [Yaaseen/9].

﴿وَجَعَلْنَا مِنْ بَيْنِ أَيْدِيهِمْ سَدًّا وَمِنْ خَلْفِهِمْ سَدًّا فَأَغْشَيْنَاهُمْ فَهُمْ لَا يُبْصِرُونَ﴾ [يس:9]

Consequently, they could not see him. He then proceeded to the home of Aboo Bakr and they escaped during the night.

A man found a group of the Quraysh at the door of the prophet (may Allaah send salutations upon him) , so he asked: who are you waiting for? !They replied: Muhammad. He said: by Allaah, he sprinkled dust upon your heads. They said: by Allaah, we did not see him, and then they wiped the dust off of their heads.

Once 'Alee awoke, the Quraysh asked him about the messenger of Allaah (may Allaah send salutations upon him) , though he responded saying: I know nothing about him.

The messenger of Allaah (may Allaah send salutations upon him) and Aboo Bakr proceeded to the cave of Thawr, and a spider began spinning a web at the entrance while they were inside.

The tribe of Quraysh searched dilligently for the messenger of Allaah (may Allaah send salutations upon him) until reaching the cave of thawr.

It has been narrated that Aboo Bakr has said: O messenger of Allaah

(may Allaah send salutations upon him) , if one of them looked downward, he would see us. As a result, he asked: (O Aboo Bakr, what do you think of two people who are joined by Allaah? Do not be said, because Allaah is with us).

Allaah the glorified prevented the tribe of Quraysh from seeing them, and 'Aamir Bin Fuhayra would inform them of what was being said in Makka.

They spent three nights in the cave before their guide returned. Thereafter, they departed, and Aboo Bakr was accompanied by 'Aamir Bin Fuhayra.

While the messenger of Allaah (may Allaah send salutations upon him) was reciting, Aboo Bakr began to look around, and then he said: O messenger of Allaah, there is Suraaqa Bin Maalik. Consequently, the messenger of Allaah (may Allaah send salutations upon him) began to supplicate against him, thus his horse became entrenched in the ground. He said: I know that it was your supplication which afflicted me, so ask Allaah to aid me so that I may prevent the people from finding you. He also asked him give him a writing, so he commanded Aboo Bakr to do so, and this writing remained with Suraaqa Bin Maalik until the conquest of Makka.

Chapter

The messenger of Allaah (may Allaah send salutations upon him) reached the tent of Umm Ma'bad who provided food and drink for those passing by. He saw a sheep which he wished to milk, and Umm Ma'bad allowed him to do so. Consequently, he touched the udder of the sheep and began to supplicate, thus it yielded an abundance of milk. When Aboo Ma'bad saw the milk, he was astonished. As a result, he questioned Umm Ma'bad who informed him that a blessed man of good character had arrived. She then provided a detailed description of him, hence Aboo Ma'bad recognized him and vowed to become a companion of his.

The Arrival Of The Prophet (May Allaah Send Salutations Upon Him)

When the Ansaar were informed that the prophet (may Allaah send salutations upon him) was en route, they awaited his arrival for several days. As a result, they emerged on Monday the twelfth of Rabee' Al Awwal exactly thirteen years after the first revelation. However, the heat became intense, so they returned, and then a Jewish man announced the arrival of the prophet (may Allaah send salutations upon him). Thereafter, the believers proceeded to receive him while uttering the takbeer, and the following was revealed: **{he is aided by Allaah, Jibreel, the believers, and the angels}** [At Tahreem/4].

﴿إِنَّا لِلَّهِ هُوَ مَوْلَانَهُ وَجِبْرِيلُ وَصَلِّحُ الْمُؤْمِنِينَ وَالْمَلَكُ بَعْدَ ذَلِكَ ظَهِيرٌ﴾ [التحریم: 4]

He proceeded until reaching Qubaa where he was hosted by Kulthoom

Bin Al Hadam, though some have said that he was hosted by Sa'd Bin Khaythama, though the former statement is more accurate.

He resided amongst Banoo 'Amr Bin 'Awf for fourteen nights and established the first masjid. Thereafter, Allaah commanded him to depart, thus he performed the Jumu'a prayer after reaching Banoo Saalim Bin 'Awf. He then proceeded and the Ansaar wished to host him, though his camel would not stop until reaching the location of his masjid, namely Banoo An Najjaar who were his uncles. Afterward, Aboo Ayyoob Al Ansaaree brought him home.

Ibn 'Abbaas has said: the messenger of Allaah (may Allaah send salutations upon him) was ordered to migrate and the following was revealed: **{say: my lord, may my arrival and departure be pleasing and may I reign supreme}** [Al Israa/80].

﴿وَقُلْ رَبِّ ادْخُلْنِيْ مُدْخَلَ صِدْقٍ وَّاَخْرِجْنِيْ مُخْرَجَ صِدْقٍ وَّاجْعَلْ لِّيْ مِنْ لَّدُنْكَ

سُلْطٰنًا نَّصِيْرًا ﴿٨٠﴾ [الإسراء: 80]

'Alee Bin Abee Taalib has narrated that the prophet (may Allaah send salutations upon him) asked Jibreel: (who will migrate with me) ? He replied: Aboo Bakr As Siddeeq. Narrated by Al Haakim.

Al Baraa has said: the first companions to reach us were Mus'ab Bin 'Umayr and Ibn Umm Maktoom who taught the Qur'aan. Thereafter, 'Ammaar, Bilaal, Sa'd, and 'Umar Bin Al Khattaab arrived. Finally, the messenger of Allaah (may Allaah send salutations upon him) arrived, and I have never seen a more joyous occasion.

Anas has said: I saw him the day that he entered Al Madeena, and it was the best day ever, and I saw him the day he died, and it was the worst day ever.

He stayed in the home Aboo Ayyoob until his masjid was built, and he sent Zayd Bin Haaritha and Aboo Raafi' to Makka with two camels and 500 dirham. They returned with his two daughters Faatima and Umm Kulthoom, his wife Sawda, and Usaama Bin Zayd and his mother Umm Ayman. As for Zaynab the daughter of the messenger of Allaah (may Allaah send salutations upon him) , her husband Aboo Al 'Aas Bin Ar Rabee' did not allow her to depart. Rather, they departed with the family of Aboo Bakr and were hosted by Haaritha Bin An Nu'maan.

The Construction Of The Masjid

Az Zuhree has said: the camel of the prophet (may Allaah send salutations upon him) kneeled at the location of his masjid. It was a stable and place of prayer which was owned by Sahl and Suhayl who were orphans. They offered their property to the prophet (may Allaah send salutations upon him) as a gift, though he insisted upon buying it, so he gave

them ten dinar. It was without a ceiling and the qibla faced the sacred house, and Aboo Umaama performed prayer there before the arrival of the prophet (may Allaah send salutations upon him).

The prophet (may Allaah send salutations upon him) participated in the construction of the masjid while saying:

O Allaah, there is no life except the afterlife so forgive the Ansaar and Muhaajiroon.

Three entrances were constructed, one in the rear, one named ar rahma, and one reserved for the prophet (may Allaah send salutations upon him). Logs were used as pillars and palm branches were used to form a ceiling. However, he was advised to leave the masjid without a ceiling, but he said: (there is no ceiling like the ceiling of Moosa) , and he built the dwellings of his wives beside the masjid.

The Brotherhood Which He Developed Between The Ansaar And Muhaajiroon

The prophet (may Allaah send salutations upon him) joined ninety of the Ansaar and Muhaajiroon as brothers inside the home of Anas Bin Maalik, and they were mutual heirs at the exclusion of their relatives until the following was revealed: **{relatives are preferred more than others in the book of Allaah}** [Al Ahzaab/6].

﴿وَأُولُوا الْأَرْحَامِ بَعْضُهُمْ أَوْلَىٰ بِبَعْضٍ فِي كِتَابِ اللَّهِ﴾ [الأحزاب: 6]

It has been said that he joined the Muhaajiroon as brothers thereafter and took 'Alee as a brother, though the former narration is more reliable.

The Muhaajiroon did not need brotherhood bound by contract like the Ansaar, and if the prophet (may Allaah send salutations upon him) were to develop brotherhood amongst the Muhaajiroon exclusively, he would have chosen Aboo Bakr As Siddeeq as a brother, because he was his most beloved companion. In fact, he has said: (if I were to choose an intimate friend, I would choose Aboo Bakr, though the brotherhood of Islaam is greater). This brotherhood is general, and he has said: (I wish that we had seen our brothers). He was asked: are we not your brothers? He replied: (you are my brothers and companions).

Aboo Bakr attained the highest level of brotherhood and companionship, and the companions were brothers who were unique due their relationship with the prophet (may Allaah send salutations upon him). Whereas, his followers who succeeded him were merely brothers.

The Conversion Of 'Abdullaah Bin Salaam

Although the Jewish scholar 'Abdullaah Bin Salaam accepted Islaam, most of the Jews did not.

There were three Jewish tribes, namely Banoo Qaynaqaa', Banoo An Nadeer, and Banoo Quraydha, and all of them were hostile. In fact, Banoo

An Nadeer is mentioned in Al Hashr and Banoo Quraydha is mentioned in Al Ahzaab.

The New Qibla

The prophet (may Allaah send salutations upon him) used to perform prayer facing the sacred house, though he wished to do so facing the sacred masjid. As a result, he said to Jibreel: (I wish that Allaah would divert me from the qibla of the Jews). He said: I am only a slave, so ask your lord. Consequently, he looked toward heaven anticipating a response until Allaah revealed: **{we see you as you look toward heaven, thus we shall direct you toward a qibla which will please you, so look toward the sacred masjid}** [Al Baqara/144].

﴿قَدْ رَأَى تَقَلُّبَ وَجْهِكَ فِي السَّمَاءِ فَلَنُوَلِّيَنَّكَ قِبْلَةً تَرْضَاهَا

قَوْلٍ وَجْهَكَ شَطْرَ الْمَسْجِدِ الْحَرَامِ﴾ [البقرة: 144]

This sixteen months after he reached Al Madeena and two months before the battle of Badr.

It has been narrated that Muhammad Bin Ka'b Al Quradhee has said: a prophet never opposed another prophet in terms of the qibla or the sunnah, though the messenger of Allaah (may Allaah send salutations upon him) faced the sacred house for sixteen months after reaching Al Madeena. He then recited the following: **{he has legislated what he has enjoined upon Nooh and has revealed to you}** [Ash Shoorah/13].

﴿شَرَعَ لَكُمْ مِنَ الدِّينِ مَا وَصَّى بِهِ نُوحًا وَالَّذِي أَوْحَيْنَا إِلَيْكَ﴾ [الشورى: 13]

Once the qibla was changed, the believers said: **{we hear and obey} {we believe, it is all from our lord}** [Aalu 'Imraan/7]. Allaah guided them, thus the transition was not difficult.

As for the polytheists, they said: as he has returned to our qibla, he will return to our deen.

As for the Jews, they said: he opposed the qibla of the prophets, though he would not have done so if he were a prophet himself.

As for the hypocrites, they said: he is misguided. If the first qibla was right, he has abandoned it, and if the second qibla is wrong, he was mistaken. The ignorant folk said many things, and Allaah the most high has said: **{it is only difficult for those whom Allaah has not guided}** [Al Baqara/143].

﴿وَإِنْ كَانَتْ لَكَبِيرَةً إِلَّا عَلَى الَّذِينَ هَدَى اللَّهُ﴾ [البقرة: 143]

Allaah tested his slaves in order to see who the true followers of the messenger were.

Allaah has informed us that he may replace a practice with one which is

equal or better.

He has reprimanded those who sought to harm the messenger.

He has informed us that the Jews and Christians differed, and he has warned his slaves from complying with them. Thereafter, he mentioned their statement of disbelief, namely that he has a son.

He has informed us that the east and west belong to him and that his slaves look toward him whatever direction they face.

He has mentioned that he will not ask his messenger about the people of the fire who did not follow him. He then informed him that the Jews and Christians would not be pleased with him until he followed their religion.

He has reminded the people of the book that he has been graceful to them.

He has praised his intimate friend who built his sacred house, and he has informed us that only a fool would desire a religion other than his.

He has ordered his slaves to believe in what was revealed to his messenger and the prophets. He then refuted those who claim that Ibraaheem and his family were Jews or Christians.

He has informed us that the one who guides whom he pleases to the straight path has guided them to face the sacred masjid.

He has informed us that he has gracefully sent his messenger and has revealed his book as a purification.

He has mentioned that he has taught what was unknown, and he has enjoined mindfulness and gratitude as a consequence. He remembers the mindful and loves the grateful, though one must pray and endure, hence he has informed us that he assists the patient.

The Call To Prayer

Completing Prayer As A Resident

After Allaah had selected a new qibla, he gracefully introduced the adhaan, and he added two bowings to the afternoon, late afternoon, and evening prayers. All of this took place after the prophet (may Allaah send salutations upon him) reached Al Madeena.

Chapter

When the messenger of Allaah (may Allaah send salutations upon him) became a resident of Al Madeena, Allaah assisted him with the aid of the Ansaar. The messenger of Allaah (may Allaah send salutations upon him) united them and they loved him more than their relatives and their own selves. Both the Arabs and Jews were hostile toward them, though Allaah the glorified commanded them to forgive and endure as they gained strength. Thereafter, he allowed them to fight, and he has said: **{an allowance has been made for those who fight, because they have been oppressed, and Allaah is surely able to assist them}** [Al Hajj/39].

﴿أُذِنَ لِلَّذِينَ يُقَاتِلُونَ بِأَنَّهُمْ ظَلِمُوا وَإِنَّا لَنَعْلَمُ لَقَدِيرٌ﴾ [الحج: 39]

Some have said that this chapter was revealed in Makka, though this is incorrect for several reasons:

Allaah did not permit combat in Makka.

The sequence of the verse indicates that permission to fight was granted after migration, because Allaah has said: **{those who were wrongly driven from their homes for merely saying that there is no deity worthy of worship except Allaah}** [Al Hajj/40].

﴿الَّذِينَ أُخْرِجُوا مِنْ دِيَارِهِمْ بِغَيْرِ حَقٍّ إِلَّا أَنْ يَقُولُوا رَبُّنَا اللَّهُ﴾ [الحج: 40]

These are the muhaajiroon.

The most high has said: **{these two adversaries argued about their lord}** [Al Hajj/19].

﴿هَٰذَانِ خَصْمَانِ اخْتَصَمُوا فِي رَبِّهِمْ﴾ [الحج: 19]

This was revealed concerning two groups who fought each other on the day of Badr.

Allaah finally said: **{O who you believe}**, and this address was Madanee. As for the following address: **{O humanity}**, it is Makkee as well as Madanee.

Allaah enjoined unrestricted jihaad in this chapter, and this was undoubtedly after migration. As for verbal jihaad, it was enjoined in Makka when he said: **{do not obey the disbelievers and wage a major jihaad against them with it}** [Al Furqaan/52]

﴿فَلَا تَطِيعُ الْكَافِرِينَ وَجَاهِدْهُمْ بِهِ جِهَادًا كَبِيرًا﴾ [الفرقان: 52]

I. e. with the Qur'aan. As for the jihaad which is mentioned in Al Hajj, it comprises physical jihaad.

It has been narrated that Ibn 'Abbaas has said: when the messenger of Allaah (may Allaah send salutations upon him) left Makka, Aboo Bakr said: they have banished their prophet (may Allaah send salutations upon him). We return to and for Allaah, they shall meet their doom. Consequently, Allaah the magnificent revealed the following: **{an allowance has been made for those who fight, because they have been oppressed}** [Al Hajj/39].

﴿أُذِنَ لِلَّذِينَ يُقَاتِلُونَ بِأَنَّهُمْ ظَلِمُوا﴾ [الحج: 39]

This was the first revelation concerning fighting. Narrated by Al Haakim.

Chapter

Allaah enjoined retaliation when he said: **{fight those who fight you for the sake of Allaah}** [Al Baqara/190].

﴿وَقَاتِلُوا فِي سَبِيلِ اللَّهِ الَّذِينَ يُقَاتِلُونَكُمْ﴾ [البقرة: 190]

Subsequently, Allaah enjoined war against all polytheists. In fact, analysis reveals that jihaad is an individual obligation, whether it be spiritual, monetary, verbal, or physical.

As for physical jihaad, it is a collective obligation and the truth of the matter is that monetary jihaad is also a collective obligation, because Allaah has enjoined the former and latter, and he has said: **{proceed in any manner and wage jihaad with your lives and wealth for the sake of Allaah. If you only knew that this is better for you}** [At Tawba/41].

﴿أَنفِرُوا خِفَافًا وَثِقَالًا وَجَاهِدُوا بِأَمْوَالِكُمْ وَأَنفُسِكُمْ فِي سَبِيلِ اللَّهِ ذَلِكُمْ خَيْرٌ لَّكُمْ إِن كُنتُمْ

تَعْلَمُونَ ﴿٤١﴾ [التوبة: 41]

Jihaad leads to paradise, and the most high has asked: **{O you who believe, shall I inform you of a transaction which will spare you a painful punishment. Believe in Allaah and his messenger and wage jihaad with your lives and wealth for his sake. If you only knew that this is better for you. He will forgive you and place you in fine homes amidst the rivers of paradise. That is the greatest victory}** [As Saff/10-12].

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا هَلْ أَدُلُّكُمْ عَلَى مَجْرَمٍ تُشِيعُكُمْ مِنْ عَذَابِ أَلِيمٍ ﴿١٠﴾ تَزُومُونَ بِاللَّهِ وَرَسُولِهِ وَيُجَاهِدُونَ فِي سَبِيلِ اللَّهِ بِأَمْوَالِكُمْ وَأَنفُسِكُمْ ذَلِكُمْ خَيْرٌ لَّكُمْ إِن كُنتُمْ تَعْلَمُونَ ﴿١١﴾ يَغْفِرَ لَكُمْ ذُنُوبَكُمْ وَيُدْخِلْكُمْ جَنَّاتٍ تَجْرَى مِنْ تَحْتِهَا الْأَنْهَارُ وَمَسَاكِنَ طَيِّبَةً فِي جَنَّاتٍ

عَدْنٍ ذَلِكَ الْفَوْزُ الْعَظِيمُ ﴿١٢﴾ [الصف: 10-12]

Jihaad leads to victory, and Allaah has said: **{and other bounties which you will like}** [As Saff/12].

﴿وَأُخْرَى تَحْيُونَهَا ﴿١٣﴾ [الصف: 13]

Namely: **{aid from Allaah and a forthcoming victory}** [As Saff/13].

﴿نَصَرَ مِنَ اللَّهِ وَفَتَحَ قَرِيبٌ ﴿١٣﴾ [الصف: 13]

The glorified has said: **{he has purchased the lives and wealth of the believers with paradise}** [At Tawba/111].

﴿أَشْرَى مِنْ الْمُؤْمِنِينَ أَنفُسَهُمْ وَأَمْوَالَهُمْ بِأَنْ لَهُمُ الْجَنَّةُ ﴿١١١﴾ [التوبة: 111]

Allaah has informed us that none is more faithful than he, thus he commanded the believers to rejoice as a result of their transaction.

One should consider the importance of this transaction, because Allaah the magnificent is the customer and paradise is the price.

Since many claim to love Allaah, they have been asked to provide proof, and Allaah has said: **{say: if you love Allaah, follow me and he will love you}** [Aalu 'Imraan/31].

﴿قُلْ إِنْ كُنْتُمْ تُحِبُّونَ اللَّهَ فَاتَّبِعُونِي يُحْبِبْكُمُ اللَّهُ﴾ [آل عمران: 31]

Once those who engaged in this transaction saw the greatness of the customer and the magnitude of his purchase, they realized that the item was costly. As a result, they knew that they could not sell it for a low price. Once the contract was completed and the item was presented, it was said: your lives and wealth became ours, and now we will give you much more than we have received, and Allaah has said: **{never consider those who have been slain for the sake of Allaah dead. Rather, they are alive and sustained by their lord}** [Aalu 'Imraan/169].

﴿وَلَا تَحْسَبَنَّ الَّذِينَ قُتِلُوا فِي سَبِيلِ اللَّهِ أَمْوَاتًا بَلْ أَحْيَاءُ عِنْدَ رَبِّهِمْ يُرْزَقُونَ﴾ [آل عمران: 169]

Allaah paid the highest price for their lives and wealth as a display of generosity. Similarly, when the prophet (may Allaah send salutations upon him) purchased a camel from Jaabir Bin 'Abdillaah, he payed more than the cost and returned the camel.

Glory belongs to Allaah whose generosity is infinite, for he has provided the item and has paid the highest cost.

The prophet (may Allaah send salutations upon him) has said: (if one wages jihaad due to his faith in Allaah or his belief in his messengers, he will either return with spoils or enter paradise. In fact, I would like to be slain for the sake of Allaah over and over again if it were not for my nation).

He has said: (he who wages jihaad for the sake of Allaah resembles one who prays and fasts continuously, and either he returns with spoils or enters paradise).

He has said: (a morning or evening spent for the sake of Allaah is better than the world and what it contains).

He has narrated that his blessed and most high lord has said: (if a slave of mine wages jihaad seeking to please me, I guarantee that I will either allow him to return with spoils or I will forgive him and grant him paradise).

He has said: (wage jihaad for the sake of Allaah, because it leads to paradise and relieves sorrow).

He has said: (there are 100 levels of paradise which are as high as the sky, and they are for those who wage jihaad for the sake of Allaah. Consequently, you should ask for Al Firdaws, because it lies beneath the throne from whence the rivers of paradise emanate).

He said to Aboo Sa'eed: (if one is pleased with Allaah as a lord, Islaam as a religion, and Muhammad as a prophet, he will enter paradise). Consequently, Aboo Sa'eed asked him to repeat himself which he did, and then he said: (there is a means by which a slave may reach the highest level of paradise, and each level is as high as the sky). He asked: what is it O messenger of Allaah? He replied: (jihaad for the sake of Allaah).

He has said: (if one spends for the sake of Allaah, he will be called by the

gatekeeper of paradise. If one maintained prayer, he will be called from the gate of prayer. If one waged jihaad, he will be called from the gate of jihaad. If one was charitable, he will be called from the gate of charity, and if one fasted, he will be called from the gate of Ar Rayaan). Abou Bakr asked: will anyone be called from all of those gates? He replied: (yes, and I hope to me amongst them).

He has said: (if one assists another who is engaged in jihaad, in debt, or enslaved, Allaah will place him in his shade when no other shade will exist).

He has said: (he whose feet become dusty for the sake of Allaah will be saved from the fire).

He has said: (faith and miserliness do not co-exist, nor does the dust of jihaad and the smoke of hell).

He has said: (Allaah will not allow the dust of jihaad and the fire of hell to converge. He whose feet have become dusty for the sake of Allaah will be saved from the fire. If one fasts for a day while engaged in jihaad, Allaah will place him at a distance from the fire the equivalent of a thousand year journey. One who is wounded while engaged in jihaad will receive the seal of martyrdom, and on the day of resurrection he will emit a saffron colored light and will smell like musk. He will be recognized by all and they will mention his seal. If one wages jihaad for the sake of Allaah, he will enter paradise).

He has said: (if one engages in jihaad for one night, the dust which covered him will become musk on the day of resurrection).

He has said: (it is better to patrol for a day and night than it is to pray and fast for a month).

He has said: (actions cease upon death, though the deeds of a patrolman continue until the day of resurrection, and he is spared the trial of the grave).

Ibn Maaja has mentioned that he has said: (one night of patrol for the sake of Allaah is like 1, 000 days of prayer and fasting).

He has said: (your place during jihaad is better than sixty years of worship at home. Do you not want Allaah to forgive you? He who fights for the sake of Allaah will enter paradise).

Ahmad has mentioned that he has said: (to patrol the coast for three days is like doing so for a year).

Ahmad has mentioned that he has said: (one night of patrol is greater than 1, 000 days of fasting and night prayer).

He has said: (the fire will not reach an eye which was tearful out of fear of Allaah, nor will it reach an eye which remained open throughout the night for the sake of Allaah).

He has said: (Allaah grants paradise due to an arrow which is made or used. Ride and shoot, though I prefer the latter. All pastimes are vain except for archery, horse training, and playing with ones wife. If Allaah teaches a person archery and he abandons it, he is ungrateful).

He has said: (one who has abandoned archery has disobeyed me).

He has said: (Allaah is obliged to assist three people: one who engages in jihaad for the sake of Allaah, one who wishes to buy his freedom, and one who marries for chastity).

He has said: (one who dies without considering jihaad for the sake of Allaah is a hypocrite).

Allaah the most high has said: **{do not cause your own destruction}** [Al Baqara/195].

﴿وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ﴾ [البقرة: 195]

Aboo Ayyoob Al Ansaaree has explained that one causes his own destruction by avoiding jihaad.

He has said: (the gates of paradise are shaded by swords).

He has said: (one who fights so that the word of Allaah may be uppermost fights for the sake of Allaah).

He said to ‘Abdullaah Bin ‘Amr: (if you fight expecting a reward, Allaah will raise you as such. If you fight to be seen, you will be raised as such. O ‘Abdullaah, Allaah will raise you however you were while fighting).

His Guidance Concerning The Time Of Combat

He preferred to fight at the beginning of the day just as he preferred to depart at the beginning of the day. Otherwise, he would delay combat until noon.

The Virtue Of Martyrdom

He has said: (by he in whose hand is my soul, if one is wounded for the sake of Allaah, his wound will be blood colored and will smell like musk on the day of resurrection).

He has said: (nothing is dearer to Allaah than tears which are shed out of fear of him and blood which is shed for his sake).

Umm Haaritha Bint An Nu'maan asked the prophet (may Allaah send salutations upon him) where her son was who was slain on the day of Badr and he replied: (he has reached the highest level of Al Firdaws).

He has said: (the souls of martyrs lie within green birds, and they perch upon lamps which hang from the throne. They fly throughout paradise and then they return. Consequently, their lord once asked them: is there anything you desire? They replied: what could we desire when we fly throughout paradise? He repeated himself three times, so once they realized that he would not cease, they replied: O lord, we want you to return our souls so that we may be slain again. As a result, he knew that they were not in need, so he asked no more).

He has said: (a martyr is forgiven upon the first drop of blood, and he beholds his seat in paradise. He will be adorned with faith and married therein. He is protected from the torture of the grave and the great terror,

and the crown of dignity will be placed upon his head, one pearl of it is better than the world and what it contains. He will be married to seventy two women of paradise and will intercede for seventy relatives). Declared authentic by At Tirmidhee.

He asked Jaabir: (shall I tell you what Allaah said to your father) ? He replied: you certainly should. He said: (Allaah has only spoken to people while behind a curtain, though he spoke to your father directly. He said: O my slave, ask and you shall receive. He said: O lord, allow me to be slain for your sake once again. Thereafter, he revealed the following verse: **{never consider dead those who are slain for the sake of Allaah. Rather, they are alive and sustained by their lord}** [Aalu 'Imraan/169].

﴿وَلَا تَحْسَبَنَّ الَّذِينَ قُتِلُوا فِي سَبِيلِ اللَّهِ أَمْوَاتًا بَلْ أَحْيَاءُ عِنْدَ رَبِّهِمْ يُرْزَقُونَ﴾ [آل عمران: 169]

He has said: (when your brothers were slain at Uhud, Allaah placed their souls within green birds who fly throughout paradise and partake of it's fruit. They perch upon golden lamps which hang in the shade of the throne. Consequently, they said: if only our brothers knew what Allaah has done for us so that they would not neglect jihaad. As a result, Allaah said: I will convey your message, thus he revealed the following: **{never consider dead those who are slain for the sake of Allaah}**.

He has said: (a martyr merely feels that he has been poked).

He has said: (a martyr will intercede for seventy of his relatives).

The following has been narrated by Ahmad and Ibn Hibbaan: (those who are slain are of three types. A believer wages jihaad fighting and spending for the sake of Allaah until death. He dwells beneath the throne and is lesser only than a prophet.

A believer wages jihaad fighting and spending for the sake of Allaah until he is slain and forgiven, and the sword eliminates sin and allows one to enter paradise from any gate he pleases. Paradise has eight gates and hell has seven gates, and some of the gates of paradise are greater than others.

A hypocrite wages jihaad fighting and spending for the sake of Allaah until he is slain, though he reaches the fire, because the sword does not eliminate hypocrisy).

He has said: (a disbeliever and his assassin will never meet in hell).

He was asked which jihaad is greatest and he replied: (to fight the polytheists while spending).

He has said: (one of the greatest forms of jihaad is to speak the truth before an unjust ruler).

He has said: (a segment of my nation will continue to defend the truth until the final hour, and they will not be harmed).

The following wording have also been narrated: (until the last of them fights the Anti Christ).

The companions pledged that they would not flee from battle, and they pledged to migrate before the conquest. They pledged that they would worship Allaah alone and that they would obey him and his messenger, and they pledged that they would not ask of others. Consequently, when one of them would drop his whip while mounted, he would pick it up himself.

He most most considerate during travel.

He would say: (war is deception).

He would rely upon spies during war.

He would seek the aid of Allaah when meeting the enemy, and he and his companions would remember him frequently.

He would await the call to prayer before attacking. Once he heard it, he would retreat.

He preferred to depart in the morning on Thursdays.

He would say the following when meeting the enemy: (O Allaah, you reveal the book, control the clouds, and defeat the allies. Aid us against them).

He would say: **{they will retreat after being defeated. The hour awaits them, and it is even more dreadful}** [Al Qamar/45-46].

﴿سَيَهْرُمُ الْجَمْعُ وَيُوَلُّونَ الدُّبُرَ﴾ ﴿١٥﴾ بَلِ السَّاعَةُ مَوْعِدُهُمْ وَالسَّاعَةُ أَذْهَى وَأَمْرٌ ﴿١٦﴾ ﴿القمر: 45-46﴾

He would say: (O Allaah, grant assistance).

He would shield others during fierce battles and was the closest to the enemy.

He would create passwords for his companions to use during battle.

He would wear a helmet and armor.

He used a catapult against the people of At Taa'if.

He prohibited the killing of women and children.

He forbade that one bring the Qur'aan to a hostile land.

He ordered the commander of his army to begin by inviting the enemy to accept Islaam. Those who did not do so were obliged to pay tax. Otherwise, they would be fought.

Once the enemy was defeated, the prophet (may Allaah send salutations upon him) would order that an announcement be made so that the spoils could be gathered, and he would distribute them accordingly. Thereafter, he would use the remaining fifth as instructed by Allaah, and he would then give a portion to women, children, and slaves. Afterward, he would divide what remained amongst the army, thus he would give a horseman three

portions and a foot soldier one portion.

He gave Salama Bin Al Akwa' the portion of a horseman and foot soldier combined, thus he gave him four portions.

He gave 'Uthmaan his portion although he did not participate in battle since his wife Ruqayya the daughter of the messenger of Allaah was ill, and the prophet (may Allaah send salutations upon him) said: ('Uthmaan has left to attend to the needs of Allaah and his messenger).

The companions would buy and sell, though he did not forbid them from doing so. In fact, a man informed him that profit was amazing, so he said: (I will tell you what the greatest profit is). He asked: what is it O messenger of Allaah? He replied: (two bowings after prayer).

The companions would hire servants and soldiers and would share their spoils.

Sometimes he would dispatch horsemen, and other times he would dispatch foot soldiers.

The Portion Of Banoo 'Abdil Muttalib

He would give a portion to Banoo Haashim and Banoo Al Muttalib, though he would not give a portion to Banoo 'Abdi Shams and Banoo Nawfal. He has said: (rather, Banoo Al Muttalib and Banoo Haashim are one). He has also said: (they have remained with us since jaahiliyya).

It Is Permissible To Consume Spoils Before They Are Divided

The believers would eat food which they obtained during war instead of placing it amongst the spoils. Ibn 'Umar has said: an army obtained food during the era of the prophet (may Allaah send salutations upon him) , though a fifth of it was not taken from them. Narrated by Aboo Daawud.

'Abdullaah Bin Al Mughaffal obtained a sack of fat on the day of Khaybar and said: I will not give any of this to anyone today. Although the messenger of Allaah (may Allaah send salutations upon him) heard him, he smiled and remained silent.

Someone said to Ibn Abee Awfa: you used to give a fifth of the food which you obtained during war, so he said: we obtained food on the day of Khaybar and a man would take a sufficient portion and depart.

Some of the companions have said: we would eat walnuts while at war and would not divide them. In fact, we would return with our sacks full of them.

He Has Forbade That One Take From The Spoils

He forbade that one take from the spoils, and he has said: (he who takes from the spoils is not one of us). In fact, when food was taken from the spoils and cooked, he ordered that the pots be overturned.

Aboo Daawud has mentioned that a man of the Ansaar said: we accompanied the messenger of Allaah (may Allaah send salutations upon

him) during a journey where the people took from the spoils. Thereafter, the messenger of Allaah (may Allaah send salutations upon him) overturned our pots with his bow and sprinkled sand upon the meat. He said: (stolen spoils are no more lawful than dead meat).

He has said: (by he in whose hand is my soul, the candle which he took from the spoils on the day of Khaybar will set him ablaze). Consequently, a man came forth with two shoelaces, thus he said: (two shoelaces of fire).

He said the following about a dead person: (he is in the fire). Thereafter, the garment which he had stolen from the spoils was recovered.

The people continued to say so and so is a martyr until he said: (I saw him in the fire wearing a garment which he took from the spoils). Thereafter, he said: (O Ibn Al Khattaab, make the following announcement: only the believers will enter paradise).

The messenger of Allaah (may Allaah send salutations upon him) was informed that a man died on the day of Khaybar, so he said: (perform prayer for your companion). Thereafter, he said: (your companion took from the spoils). Consequently, they searched his belongings and found a Jewish bead which did not equal two dirham.

When he would obtain spoils, he would order Bilaal to make an announcement so that they could be presented and divided. As a result, a man came with a bridle made of hair, so the messenger of Allaah (may Allaah send salutations upon him) asked: (did you hear Bilaal make the announcement three times) ? He replied: yes. He asked: (what prevented you from bringing this) ? Thereafter, the messenger of Allaah (may Allaah send salutations upon him) said: (if you bring this on the day of resurrection, I will not accept it from you).

Chapter

He ordered that stolen spoils be burned, and Aboo Bakr and 'Umar maintained this practice during their reign. Some have said that this practice has been abrogated, because it has not been mentioned in other prophetic traditions. Others have said that this is a monetary punishment which is subject to the discretion of jurists, because he and those who succeeded him did not always implement it. Similarly, one who has consumed intoxicants three or four times may be killed. However, this is not a prescribed punishment. Rather, it is a punishment which is subject to the discretion of jurists.

His Guidance Concerning Prisoners Of War

He would treat prisoners well.

He would kill prisoners.

He would demand a ransom for prisoners.

He would exchange non-Muslim prisoners for Muslim prisoners.

He would do whatever was most beneficial, thus he demanded a ransom for the prisoners of Badr.

He took eighty prisoners who sought to deceive him.

He took Thumaama Bin Athaal the chief of Banoo Haneefa prisoner and held him captive in the masjid. He then released him and he accepted Islaam.

He consulted his companions concerning the prisoners of Badr, so Aboo Bakr suggested that he demand a ransom and release them in hopes that they would accept Islaam. 'Umar said: by Allaah, I disagree with Aboo Bakr. Rather, I believe that you should allow us to kill them, because they are advocates of disbelief. However, the messenger of Allaah (may Allaah send salutations upon him) agreed with Aboo Bakr.

'Umar found the messenger of Allaah (may Allaah send salutations upon him) and Aboo Bakr crying the next day, so he asked: O messenger of Allaah (may Allaah send salutations upon him), why are you and your companion crying? If I cannot weep, I will pretend to do so. The messenger of Allaah (may Allaah send salutations upon him) replied: (I am crying because some of your companions have suggested a ransom and they may be punished. Allaah has said: **{a prophet does not take prisoners until he has conquered the land}**) [Al Anfaal/67].

﴿ مَا كَانَتْ لِنَبِيِّ أَنْ يَكُونَ لَهُ أُسْرَى حَتَّى يَتَغَيَّرَ فِي الْأَرْضِ ﴾ [الأنفال: 67]

People have discussed which opinion is correct. Consequently, some have said that 'Umar was right due to the previous prophetic tradition. Whereas, others have said that Aboo Bakr was right, because his opinion is supported by the Qur'aan, and also because the prophet (may Allaah send salutations upon him) compared him to Ibraaheem and 'Eesa while comparing 'Umar to Nooh and Moosa. In addition, the prisoners who accepted Islaam did a great deal of good and their ransom was helpful. Furthermore, the messenger of Allaah (may Allaah send salutations upon him) agreed with Aboo Bakr.

Some have said: the prophet (may Allaah send salutations upon him) cried out of compassion due to the punishment which was intended for those who desired personal gain. In fact, this punishment afflicted the believers collectively. Similarly, the army was defeated on the day of Hunayn because of one person who said: we will not be defeated. However, victory became commonplace thereafter, and Allaah knows best.

'Uqba Bin Abee Ma'eet and An Nadir Bin Al Haarith were killed for their hatred of Allaah and his messenger.

Ibn 'Abbaas has said: there were prisoners who had no wealth, so the messenger of Allaah (may Allaah send salutations upon him) obliged them to teach the children of the Ansaar how to write. This indicates that work is also an acceptable ransom.

It was his teaching that one could not be enslaved if he accepted Islaam before being captured. However, he would enslave Arabs just as he would enslave people of the book.

He said the following to 'Aa'isha: (emancipate her, because she is a descendant of Ismaa'eel).

When he divided the prisoners of Banoo Al Mustalaq, Juwayriyya Bint Al Haarith became the slave of Thaabit Bin Qays. Thereafter, the messenger of Allaah (may Allaah send salutations upon him) emancipated her, and then he married her. He also emancipated 100 prisoners of the tribe of Banoo Al Mustaliq.

He Has Forbade That A Mother And Child Be Separated

He has forbade that a mother and child be separated, and he has said: (if one separates a mother and child, Allaah will separate him and his beloved n the day of resurrection.

His Guidance Concerning Spies

It has been verified that he killed a spy who was a polytheist and that he did not kill Haatib, though 'Umar wished to do so. As a result, he said: (perhaps Allaah has looked at the people of Badr and has said: do as you please, for I have forgiven you). Those such as Aboo Haneefa, Ash Shaafi'ee, and Ahmad who have held that a Muslim spy should not be killed have relied upon this prophetic tradition.

It was his practice to emancipate the slaves of the polytheists when they accepted Islaam, and he has said: (they have been emancipated by Allaah the magnificent).

Once he had conquered Makka, some of the muhaajiroon asked him to return their homes which were seized by the polytheists. However, he did not return one home, because they left seeking the pleasure of Allaah. Consequently, they were granted better homes in paradise. In fact, he did not allow a muhaajir to remain in Makka for more than three days after completing his rites of worship.

His Guidance Concerning Land Obtained During War

It has been verified that he divided the land of Banoo Quraydha, Banoo An Nadeer, and Khaybar. As for Al Madeena, it was conquered with the Qur'aan. Whereas, Makka was conquered by force, though there was no land division. Consequently, scholars have attempted to reconcile this discrepancy.

Some scholars have said that Makka is an abode of worship which belongs to the believers who are equal, thus it cannot be divided. However, Ash Shaafi'ee has said that it was conquered without resistance, thus it was not divided. Nevertheless, all prophetic traditions indicate that Makka was conquered by force, which is the majority opinion.

Other scholars have said that a leader may divide the land or grant it as an endowment, and that the prophet (may Allaah send salutations upon him) divided Khaybar unlike Makka. Consequently, both practices are lawful.

They have said that land is not divided like spoils which were unlawful for previous nations, and Allaah the most high has said: **{O people, Allaah has decreed for you to enter the sacred land}** [Al Maa'ida/20-21].

﴿وَإِذْ قَالَ مُوسَىٰ لِقَوْمِهِ يَتَقَوَّمُ أَدْخُلُوا نِعْمَةَ اللَّهِ عَلَيْكُمْ إِذْ جَعَلَ فِيكُمْ أَنْبِيَاءَ وَجَعَلَكُمْ مُلُوكًا وَآتَاكُمْ مَا لَمْ يُؤْتِ أَحَدًا مِّنَ الْعَالَمِينَ ﴿٢٠﴾ يَتَقَوَّمُ أَدْخُلُوا الْأَرْضَ الْمُقَدَّسَةَ الَّتِي كَتَبَ اللَّهُ لَكُمْ وَلَا تَرْتَدُّوا عَلَىٰ أَدْبَارِكُمْ

فَنَنْقَلِبُوهَا خَسِرِينَ ﴿٢١﴾﴾ [المائدة: 20-21]

He has said concerning the land of Fir'awn and his people: **{the children of Israel inherited it}** [Ash Shu'araa/20-21].

﴿كَذَٰلِكَ وَأَوْثَقْنَاهَا بَنِي إِسْرَءِيلَ ﴿٥٩﴾﴾ [الشعراء: 59]

Ahmad has said that land may be given as a dowry unlike an endowment.
The Conquest Of Makka

The following indicates that Makka was conquered by force:

Had Makka been conquered without resistance, the prophet (may Allaah send salutations upon him) would not have said: (he who enters his house, locks his door, or enters the masjid is safe).

The prophet (may Allaah send salutations upon him) has said: (whoever enters the home of Aboo Sufyaan is safe. Whoever casts his weapon is safe, and whoever locks his door is safe).

'Alee Bin Abee Taalib sought to kill a refugee whom Umm Haanee had harbored, so the messenger of Allaah (may Allaah send salutations upon him) said: (we will protect the one whom Umm Haanee has protected). It has been narrated that she has said: I placed two men inside a house and locked the door on the day of conquest, so my cousin came to them and drew his sword. Consequently, I mentioned that the prophet (may Allaah send salutations upon him) had said: (we will protect the one whom Umm Haanee has protected).

The prophet (may Allaah send salutations upon him) ordered that five people be killed. However, had Makka been conquered without resistance, he would not have ordered that anyone be killed.

Chapter

The messenger of Allaah (may Allaah send salutations upon him) forbade that a Muslim live amongst polytheists if he is capable of migrating, and he has said: (I am free of every Muslim who lives amongst polytheists).

He has said: (one who lives amongst a polytheist is like him).

He has said: (migration will not cease while repentance is accepted, and

repentance will be accepted until the sun rises from the west).

Chapter

When the prophet (may Allaah send salutations upon him) reached Makka, the disbelievers were divided into three categories.

A group of disbelievers agreed not to wage war against him or to aid his enemies, and they were protected.

A group of disbelievers waged war against him.

A group of disbelievers remained outwardly neutral. Some hoped for victory while others hoped for defeat. Some appeared to be with him when they were actually against him, namely the hypocrites. Consequently, he treated each of these groups as his blessed and most high lord had commanded him.

He signed a peace treaty with the Jews who formed three factions in Al Madeena: Banoo Qaynaqaa', Banoo An Nadeer, and Banoo Quraydha.

Banoo Qaynaqaa' declared war against him after the battle of Badr. Consequently, the soldiers of Allaah set out on the fifteenth of Shawwaal which was a Saturday. Banoo Qaynaqaa' were allies of 'Abdullaah Bin Ubayy Bin Salool the leader of the hypocrites, and Banoo Qaynaqaa' were the most courageous Jews in Al Madeena.

Hamza Bin 'Abdil Muttalib carried the banner and Aboo Lubaaba Bin 'Abdil Mundhir was placed in command of Al Madeena.

The believers surrounded Banoo Qaynaqaa' for fifteen days while they were entrenched, and Allaah frightened them as he does when he wishes to defeat a people. Thereafter, they migrated to Syria.

Their wealth was seized and the spoils were gathered and divided.

Banoo An Nadeer

Banoo An Nadeer breached their agreement, and Al Bukhaaree has said: this took place sixteen months after the battle of Uhud as 'Urwa has said.

The prophet (may Allaah send salutations upon him) went to the tribe of Banoo An Nadeer while accompanied by some of his companions. He asked that they assist him in paying the restitution which was imposed upon 'Amr Bin Umayya Ad Damree who committed murder, and they agreed. Thereafter, they conspired to kill the prophet (may Allaah send salutations upon him). However, one of them said: do not do this. By Allaah, he shall be informed of your plan, and this would breach our agreement.

He immediately received a revelation informing him of their plan, so he proceeded to Al Madeena without delay where he was met by his companions.

The messenger of Allaah (may Allaah send salutations upon him) and his companions uttered the takbeer and advanced as 'Alee Bin Abee Taalib carried the flag. However, Ibn Ubayy, his allies, and Banoo Quraydha

betrayed Banoo An Nadeer. Therefore, Allaah the glorified and most high said: **{similarly, Shaytaan told man to disbelieve. He then said: I am free of you}** [Al Hashr/16].

﴿كَمَثَلِ الشَّيْطَانِ إِذْ قَالَ لِلْإِنْسَانِ اكْفُرْ فَلَمَّا كَفَرَ قَالَ إِنِّي بَرِيءٌ مِّنكَ﴾ [الحشر: 16]

Consequently, Al Hashr is the chapter of Banoo An Nadeer.

Finally, Banoo An Nadeer agreed to leave Al Madeena, and the prophet (may Allaah send salutations upon him) allowed them to take all that their camels could carry except for weapons. However, he did not divide the spoils.

Maalik has said that the messenger of Allaah (may Allaah send salutations upon him) divided the spoils of Quraydha and not the spoils of Banoo An Nadeer, because the cavalry did not approach Banoo An Nadeer as it approached Banoo Al Quraydha. In addition, the property and weapons of Banoo An Nadeer were seized.

This story took place in the month of Rabee' Al Awwal during the fourth year.

The Story Of Banoo Quraydha

As for Banoo Quraydha, they were the most hostile of all Jews toward the messenger of Allaah (may Allaah send salutations upon him).

When the prophet (may Allaah send salutations upon him) discovered that Banoo Quraydha breached their agreement, he utter the takbeer and said: (rejoice O believers).

When the messenger of Allaah (may Allaah send salutations upon him) reached Al Madeena, he put down his weapon. Consequently, Jibreel came to him and said: have you put down your weapon? By Allaah, the angels have not put down their weapons, so proceed to Banoo Quraydha, because I will be in front of you. I will rock their fortresses and will frighten them. Thereafter, Jibreel proceeded while accompanied by the angels and the messenger of Allaah (may Allaah send salutations upon him) proceeded behind him while accompanied by the muhaajiroon and ansaar. He said: (do not perform the late afternoon prayer until you reach Banoo Quraydha).

The companions were still en route during the late afternoon. Some of them chose to perform prayer upon reaching Banoo Quraydha, though others performed prayer without delay asserting that the prophet (may Allaah send salutations upon him) intended that they hurry. However, he did not condemn either party.

There is a difference of opinion concerning which group was right. Some have said that those who delayed prayer were correct since they did not interpret the command of the prophet (may Allaah send salutations upon

him). Whereas, others have said that those who did not delay prayer were correct, because they departed without hesitation and performed prayer on time. They have also said that their comprehension was more accurate since they understood what the prophet (may Allaah send salutations upon him) meant. As for the late afternoon prayer, the prophet (may Allaah send salutations upon him) has stated that it is the middle prayer which incurs major loss when neglected. As for those who delayed prayer, the most which could be said is that they were rewarded once for their obedience, though it could never be said that they were right and that those who performed prayer on time were wrong. In fact, those who performed prayer on time were rewarded twice, because they acted according to a variety of texts.

One may say that the prophet (may Allaah send salutations upon him) also delayed the late afternoon prayer on the day of Al Khandaq which was before the prayer of fear was introduced.

It could be said that the story of Al Khandaq is the only evidence which exists in this regard. However, it is inadmissible, because it does not mention that the prophet (may Allaah send salutations upon him) delayed prayer intentionally. Rather, it is likely that he did so inadvertently, and the story suggests this.

‘Umar said: O messenger of Allaah, I did not perform the afternoon prayer until shortly before sunset, and the messenger of Allaah (may Allaah send salutations upon him) said: (by Allaah, I have not prayed). This suggests that he forgot to pray due to the presence of the enemy, though he was excused, and his practice serves as a precedent.

It could also be said that the prophet (may Allaah send salutations upon him) was fearful unlike the companions who delayed prayer.

The Confinement Of Banoo Quraydha

The messenger of Allaah (may Allaah send salutations upon him) gave the flag to ‘Alee and placed Ibn Umm Maktoom in command of Al Madeena. Thereafter, he confined Banoo Quraydha for twenty five nights. Once their confinement became unbearable, their chief Ka’b Bin Asad made three suggestions. Thereafter, they asked him to send Aboo Lubaaba Bin Al Mundhir to them so that they could consult him, and they agreed that a compromise would be fatal. As a result, Aboo Lubaaba Bin Al Mundhir knew that he had betrayed Allaah and his messenger, so he went to the masjid and tied himself to a pillar swearing that only the messenger of Allaah would undo the knot. He also swore that he would never return to the land of Banoo Quraydha. When the prophet (may Allaah send salutations upon him) was informed of this, he said: (avoid him until he repents). Thereafter, Allaah accepted his repentance and the messenger of Allaah

(may Allaah send salutations upon him) untied him.

Banoo Quraydha compromised, so Al Aws asked him to treat them well. Consequently, he asked: (would it please you if they were ruled by a man of your tribe) ? Afterward, he sent for Sa'd Bin Mu'adh who remained in Al Madeena due to a wound.

Sa'd Bin Mu'adh decreed that the men be killed, that the women be taken prisoner, and that their wealth be divided. As a result, the messenger of Allaah (may Allaah send salutations upon him) said: (your decree is the verdict of Allaah who is above the seven heavens).

A group of Jews accepted Islaam that night, though 'Amr Bin Sa'd was absent, because he fled refusing to breach the agreement. Thereafter, the messenger of Allaah (may Allaah send salutations upon him) decreed the death of all mature males, and nearly seven hundred were killed. As for the women, only the one who murdered Suwayd Bin As Saamit was killed.

Each Jewish faction was fought after a major battle. As a result, Banoo Qaynaqaa' was fought after Badr, Banoo An Nadeer was fought after Uhud, and Banoo Quraydha was fought after Al Khandaq. As for the Jews of Khaybar, their story will be told if Allaah the most high has willed.

Those Who Breached An Agreement

If some breached an agreement with the consent of others, the prophet (may Allaah send salutations upon him) would wage war upon them all as he did when fighting Banoo Quraydha, Banoo An Nadeer, Banoo Qaynaqaa', and the people of Makka. As a result, this ruling applies to those who enjoy immunity as the companions of Ahmad and others have stated. However, the companions of Ash Shaafi'ee have disagreed that war should be waged upon those who sanction a breach of agreement.

The companions of Ahmad and others have held that there is no difference between a peace treaty and an accord of immunity. They have said that the peace treaty was to remain in effect in Al Madeena until it was violated by an act of aggression, and that this was the immunity which was enjoyed by the Jews. However, the jizya had yet to be imposed.

The Christians of Syria torched the homes and property of the believers, and they almost destroyed the grand masjid, but Allaah prevented the fire from spreading beyond the minaret. Thereafter, a decision was sought where we ruled that the punishment of those who performed and sanctioned this act was death, and we asserted that this penalty could not be waived upon conversion. In fact, Shaykhul Islaam Ibn Taymiyya issued the same ruling on more than one occasion.

Chapter

The prophet (may Allaah send salutations upon him) agreed to a peace treaty with Khuzaa'a and the people of Makka, and the people of Makka

agreed to a peace treaty with Banoo Bakr Bin Waa'il. Thereafter, Banoo Bakr Bin Waa'il attacked Khuzaa'a with the aid of Quraysh. Consequently, the prophet (may Allaah send salutations upon him) believed that Quraysh had breached their agreement, and he held that war could be waged against Banoo Bakr Bin Waa'il.

Based upon this, Shaykhul Islaam Ibn Taymiyya has ruled that war could be waged against the Christians who aided the enemies of the believers. He held that they had breached their agreement although they did not attack, so what if those who enjoy immunity helped the polytheists wage war against the believers?

His Guidance Concerning The Messengers Of His Enemies

The prophet (may Allaah send salutations upon him) would not kill the messengers of his enemies. In fact, when the two messengers of Musaylima the liar came to him, he asked: (what do you have to say) ? They replied: we will say what he has said, so he said: (if you were not messengers, I would kill you).

It was his practice not to detain a messenger who chose his religion, thus he would allow him to join his family. In fact, he would encourage him to do so, and Aboo Raafi' has said: Quraysh sent me to the prophet (may Allaah send salutations upon him) , and Islaam entered my heart upon my arrival, so I said: O messenger of Allaah, I will not return to them. He said: (return to them, and if Islaam remains in your heart, return to me).

He agreed to a ten year peace treaty with Quraysh which entailed that he would return the believers of their tribe and that they would not return his companions. This applied to men and women initially, though it only applied to men thereafter, because Allaah commanded his prophet and the believers to test the women who came to them and not to return them to the disbelievers if they were proven faithful. He also commanded the believers to return the dowry of a woman who did not return since her husband would be deprived of her. This proves that the marriage of a disbeliever is valid. It also proves that a believing woman cannot marry a disbeliever or be returned to one and that she can marry a believer. This clearly proves that the marriage of a disbeliever becomes invalid once his wife accepts Islaam, and that a believing male cannot marry a female disbeliever and vice versa.

These rulings have been derived from two verses, and some of them are unanimously accepted. However, those who claim that they have been abrogated cannot prove this, because although it was agreed that the believers of Quraysh would return to them, Allaah the glorified and most high forbade the return of a believing woman while enjoining the return of her dowry.

Although the peace treaty did entail that the Quraysh would not return his

companions, it did not entail that he would be liable for their actions while absent.

Nevertheless, he did take responsibility for the loss which was caused by Khaalid, even though Banoo Judhayma did not state that they had accepted Islaam. Rather, they said that they had changed their religion. In any event, he treated them as people of the book who enjoyed immunity since their religion was unclear.

The peace treaty did not entail his intervention during war if those responsible were beyond his control. This proves that a leader is not at all liable under these circumstances.

Rulings which pertain to politics should be derived from the biography of the prophet (may Allaah send salutations upon him) and not from the opinions of men, because the former and latter are not alike, and success lies with Allaah.

He agreed to a peace treaty with the people of Khaybar which entailed that they could depart with whatever they could convey and that the prophet (may Allaah send salutations upon him) would take their gold, silver, and weapons. It was stipulated that if they hid anything, they would no longer enjoy immunity. However, they hid some valuables, and when the messenger of Allaah (may Allaah send salutations upon him) asked for them, he was told that were expended, so he said: (the valuables are near). Thereafter, they were discovered. Consequently, the prophet (may Allaah send salutations upon him) killed the two sons of Aboo Al Haqeeq and held the women and children of Khaybar captive, he also divided the wealth.

The people of Khaybar asked to remain asserting that they were more capable of maintaining the land, though since the messenger of Allaah (may Allaah send salutations upon him) and his companions did not have the wherewithal to do so themselves, he allowed them to remain while receiving half of their harvest.

He did not annihilate Khaybar as he did Quraydha, because Quraydha breached their agreement as a whole. As for those who concealed the whereabouts of the valuables and were killed, they breached an agreement which was individual and not collective.

He allowed the people of Khaybar to keep half of their land which clearly proves that sharecropping is permissible. In addition, he did not provide seed which proves that a landowner is not obliged to do so. In fact, some scholars have said: it would be more accurate to say that the worker is obliged to provide seeds and not the landowner due to the prophetic tradition regarding the people of Khaybar.

The truth of the matter is that both a worker and landowner may provide seeds. As for those who stipulate that only the latter may do so, they have no proof other than comparison. They have said: just as the financier provides

capital in a joint venture, the landowner provides seeds. However, it is likely that their analogy proves them wrong, because capital returns to the financier in a joint venture, and he and his partner divide the profit. As for sharecropping, this cannot be stipulated. In actuality, seeds have been compared to produce and not capital. Consequently, an analogy cannot be made between a joint venture and sharecropping.

Allaah produces crops with seeds as well as air, water, soil, sunlight, and maintenance. Consequently, seeds should be judged like the preceding entities.

The earth resembles capital in a joint venture which the landowner gives the worker, and his labor resembles the effort of the business partner. This necessitates that the worker is more obliged to provide seeds than the landowner, thus the prophetic tradition conforms with analogy.

This story proves that a peace treaty may remain in effect indefinitely, and Ash Shaafi'ee and others have maintained this. However, war cannot be waged until all are aware that the treaty has been nullified.

This story proves that one who is accused of a crime may be punished, because Allaah the glorified was capable of guiding the prophet (may Allaah send salutations upon him) to the valuables. However, he wished to introduce a practice.

This story proves that evidence should be sought to verify or disprove a claim since the prophet (may Allaah send salutations upon him) said: (the valuables are near).

Similarly, the prophet of Allaah Sulaymaan Bin Daawud sought evidence to ascertain who the mother of the lost infant was. As for Daawud, he judged in favor of the older woman. Consequently, the two women went to Sulaymaan who asked: what was the decision of the prophet of Allaah? He then said: bring me a knife and I will split him in half, so the younger woman said: may Allaah have mercy upon you, do not do that, the child is hers. As a result, he judged in favor of the younger woman.

He relied upon the compassion of the younger woman and the indifference of the older woman to prove that the younger woman was actually the mother of the child.

Maalik, Ash Shaafi'ee, and Ahmad have held that physical traits should be studied in a case like this, and they have declared this a means of substantiating a claim of kinship.

Our companions have said: this would also apply if a disbelieving mother claimed the child of a believing mother. In fact, someone asked Ahmad: do you believe that physical traits should be studied? He replied: it is a fine practice, though if it cannot be employed, the method of Sulaymaan is acceptable. In fact, it is better than a lottery, because a lottery is utilized when two claimants are equally credible.

The shirt of Yoosuf was torn in the rear which proved that he was fleeing and was caught from behind. Consequently, he was proven innocent and his accuser was ordered to repent.

The messenger of Allaah (may Allaah send salutations upon him) would send someone to Khaybar every year to assess their produce, and he would guarantee them the same portion which was given to the believers.

Chapter

As for his guidance concerning immunity, he did not impose the jizya upon the disbelievers until Baraa'a had been revealed which was during the eighth year. Once the verse of the jizya was revealed, he took it from the Magians and the people of the book. He sent Mu'aadh to Yemen and granted the Jews immunity while imposing it, though he did not take it from the Jews of Khaybar. Consequently, some have been lead to believe that they were exempt. However, he fought them and made peace with them before the jizya was introduced. Thereafter, Allaah the glorified and most high ordered him to fight the people of the book until they gave the jizya, though the people of Khaybar were not included at the time due to the nature of their accord. However, when 'Umar sent them to Syria, their accord changed and they were treated like other people of the book.

A writing was forged in an area where the prophetic tradition was rare, it states that the messenger of Allaah (may Allaah send salutations upon him) ceased to impose the jizya upon the Jews of Khaybar, and the testimony of 'Alee Bin Abee Taalib, Sa'd Ibn Mu'aadh, and other companions has been included.

This writing was eventually given to Shaykhul Islaam Ibn Taymiyya in hopes that he would promote it, though he spit on it, and he deduced that it was a forgery for the following reasons:

Sa'd Bin Mu'aadh died before Khaybar without a doubt.

The jizya was not introduced until the year of Tabook which was three years after Khaybar.

Not one scholar of any science has mentioned this writing, and it could not have been released during the time of the early believers due to their knowledge. As a result, it was released in an area where the prophetic tradition was rare, and this was done with the aid of a covetous group of people who had betrayed Allaah and his messenger. However, the fallaciousness of this writing was brought to light.

Chapter

When the verse of the jizya was revealed, he took it from the Jews, Christians, and Magians, but he did not take it from idoloters. Consequently, it has been said that it may only be taken from these three groups. However, it has also been said that it may be taken from the people of the book and

other disbelievers such as non-Arab idolaters.

The first view has been held by Ash Shaafi'ee and Ahmad according to one narration, and the second view has been held by Aboo Haneefa and Ahmad according to another narration.

Those who maintain the first position say: rather, he did not take the jizya from Arab polytheists, because it was introduced after the conquest of Makka when the Arabs accepted Islaam en masse. For this reason, he attacked Tabook afterward, because they were Christian. However, if Arab polytheists remained, it would be more appropriate that they be fought instead.

If one considers the prophetic biography, he will realize that this is true. The jizya was not taken because there was no one to take it from, not because a people were exempt. However, he did take the jizya from the Magians, though narrations which state that they were people of the book are unreliable.

There is no difference between fire worshippers and idolaters. In fact, the latter maintained some aspects of the religion of Ibraaheem unlike the former who were his enemy. Consequently, it would be more appropriate that the jizya be taken from the former instead of the latter, and the messenger of Allaah (may Allaah send salutations upon him) has said: (when you meet your enemy, give them three options, if they choose one, avoid them). Thereafter, he enjoined that they accept Islaam, the jizya, or war.

Al Mugheera has said: our prophet (may Allaah send salutations upon him) has commanded us to fight you until you worship Allaah or pay the jizya.

Chapter

He agreed to a peace treaty with the Christians of Najran in return for 2,000 garments, thirty coats of mail, thirty horses, thirty camels, and thirty of each type of weapon used during war.

When he sent Mu'aadh to Yemen, he commanded him to take one dinar or the equivalent of fabric from every mature male. This proves that the jizya is unspecified in terms of type and quantity. Rather, it can be fabric, gold, or garments, and the quantity fluctuates according to the needs of the believers and the condition of those from whom it is taken.

He nor his successors differentiated between Arab and non-Arabs in terms of the Jizya. Rather, he took it from Arab Christians and Arab Magians, because the Arabs were a nation that did not have a book, and each faction practiced the religion of the nation which it was adjacent to. Consequently, the people of Bahrain were Magians since their neighbors were Persians, Banoo Taghlab were Christians since their neighbors were

Romans, and some of the tribes of Yemen were Jewish since their neighbors were Jews. As a result, he imposed the jizya without considering when the forefathers of those previously mentioned had become people of the book. In fact, some of the children of the Ansaar accepted Judaism after it was abrogated by the law of 'Eesa, and their fathers wished to impose Islaam upon them, thus Allaah the most high revealed the following: **{there is no compulsion in religion}** [Al Baqara/256].

[البقرة: 265] ﴿لَا إِكْرَاهَ فِي الدِّينِ﴾

He said to Mu'aadh: (take one dinar from every mature male) , and this proves that the jizya is not taken from women and boys.

One may ask: how do you respond to the narration of 'Abdur Razzaaq and Aboo 'Ubayd which states that the prophet (may Allaah send salutations upon him) ordered Mu'aadh Bin Jabl while in Yemen to take the jizya from every mature male and female? Aboo 'Ubayd added: (... male and female slaves. One deenaar or the equivalent of fabric...).

One should reply that this narration is incontinuous, and the addition has not been mentioned by other narrators, thus it is most likely an explanation.

Ahmad, Aboo Daawud, At Tirmidhee, An Nasaa'ee, Ibn Maaja, and others have narrated this prophetic tradition without this addition.

The prophet (may Allaah send salutations upon him) took the jizya mostly from Arab Jews, Christians, and Magians, though he did not investigate when any of them accepted his religion.

The Progression Of His Call

His blessed and most high lord began by commanding him to read in the name of his lord who created. This was the beginning of prophethood, because he was ordered to read and not to convey. Thereafter, Allaah revealed the following: **{O you who are covered, rise and warn}** [Al Mudaththir/1-2].

[المُذَّثِّر: 1-2] ﴿يَا أَيُّهَا الْمُدَّثِّرُ ﴿١﴾ قُمْ فَأَنذِرْ ﴿٢﴾﴾

He commanded him to warn those of his tribe who were closest to him, then his people, then the Arabs who surrounded them, then the entire Arab world, and then the entire creation. Consequently, he spent more than ten years warning the people without waging war or imposing the jizya.

Thereafter, Allaah allowed him to migrate and wage war, and then he commanded him to retaliate. He then commanded him to fight the polytheists until religion would become entirely for Allaah.

Once jihaad was enjoined, the disbelievers were divided into three categories:

- the people of peace
- the people of war

the people of immunity

As a result, he was ordered to observe a peace treaty as long as the other party did so as well. However, if he feared betrayal, he would annul his agreement, though he would not wage war without informing the other party of his decision.

He was ordered to fight those who had breached their agreement, and when Baraa'a was revealed, the status of the aforementioned groups was illustrated. As a result, he was commanded to fight the people of the book until they gave the jizya or accepted Islaam, and he was commanded to fight the disbelievers and hypocrites, thus he fought the former with the sword and the latter with proof.

Those whom the prophet (may Allaah send salutations upon him) engaged in peace treaties with were divided into three categories:

He was commanded to fight those who had breached an agreement.

He was commanded to observe an agreement which had not been breached.

He was commanded to grant a four month respite if an agreement had never been reached, or if one had been reached which was unconditional.

Once this period ended, he would fight. Allaah has said: **{travel throughout the land for four months}** [At Tawba/2].

﴿فَيَسِيرُوا فِي الْأَرْضِ أَرْبَعَةَ أَشْهُرٍ﴾ [التوبة: 2]

{Once the sacred months have passed, kill the polytheists} [At Tawba/5].

﴿فَإِذَا انْسَلَخَ الْأَشْهُرُ الْحُرُمُ فَاقْتُلُوا الْمُشْرِكِينَ﴾ [التوبة: 5]

These four months begin on the 10 of Dhool Hijja which is when permission to fight was granted, and they end on the 10 of Rabee' Ath Thaane. However, they are not the four months which have been mentioned in the following verse: **{there are twelve months in the book of Allaah which were determined on the day when he created the heavens and earth, and four of them are sacred}** [At Tawba/36].

﴿إِنَّ عِدَّةَ الشُّهُورِ عِنْدَ اللَّهِ اثْنَا عَشَرَ شَهْرًا فِي كِتَابِ اللَّهِ يَوْمَ خَلَقَ السَّمَوَاتِ وَالْأَرْضَ مِنْهَا﴾

﴿أَرْبَعَةٌ حُرُمٌ﴾ [التوبة: 36]

Namely Rajab, Dhool Qa'da, Dhool Hijja, and Muharram.

The polytheists could not be fought during these months, because they were inconsecutive. Rather, they were given a four month respite and were fought thereafter. As a result, the prophet (may Allaah send salutations upon him) killed those who breached an agreement while granting respite to those whom he had not reached an agreement with or whose agreement was unconditional.

Once Baraa'a was revealed, the disbelievers were divided into three categories:

- the people of peace
- the people of war
- the people of immunity

Once those who enjoyed peace accepted Islaam, the disbelievers were divided into two categories:

- the people of war
- the people of immunity

Thereafter, people of the world became divided into three categories:

- faithful
- protected
- hostile though fearful

As for the hypocrites, he has ordered that they be taken at face value and that their secrets be left between them and Allaah. He has ordered that they be fought with knowledge, and he has forbade that one perform the funeral prayer for them or stand at their graves. In addition, he has informed us that if one seeks forgiveness for them, Allaah will not concede.

As for those who were dear to the prophet (may Allaah send salutations upon him) , his blessed and most high lord commanded him to be patient with them, because they called upon their lord him night and day.

He commanded him to pardon them and to seek forgiveness for them.

He commanded him to perform the funeral prayer for them.

He commanded him to shun those who avoided jihaad until they repented.

He commanded him to apply the law regardless of class.

He commanded him to deter Satanic human beings with good behavior, and he informed him that they would become dear to him as a result.

He commanded him to deter Satanic demons by seeking his protection from them, and he has said: **{be lenient, enjoin good, and avoid the ignorant. If you are tempted by Shaytaan, seek the protection of Allaah. He is hearing and knowing}** [Al A'raaf/199-200].

﴿ خُذِ الْعَفْوَ وَأْمُرْ بِالْعُرْفِ وَأَعْرِضْ عَنِ الْجَاهِلِينَ ﴾ ۝ وَإِنَّا نَبْغِثُكَ مِنَ الشَّيْطَانِ نَزْعٌ فَاسْتَعِذْ بِاللَّهِ إِنَّهُ

سَمِيعٌ عَلِيمٌ ﴿٢٠٠﴾ [الأعراف: 200]

He commanded him to protect himself from the evil of the ignorant by avoiding them, and he commanded him to protect himself from the evil of Shaytaan by seeking his protection.

The most high has said: **{a good deed and a bad deed are unequal. Deter evil in the best manner and your enemy will become your best friend, though only the patient and fortunate can do so. If you are**

tempted by Shaytaan, seek the protection of Allaah. He is hearing and knowing} [Fussilat/34-36].

﴿وَلَا تَسْتَوِ الْحَسَنَةُ وَلَا السَّيِّئَةُ ادْفَعْ بِالَّتِي هِيَ أَحْسَنُ فَإِذَا الَّذِي بَيْنَكَ وَبَيْنَهُ عَدَاوَةٌ كَأَنَّهُ وَلِيٌّ حَمِيمٌ﴾ (٣٤)
 ﴿وَمَا يُلْقِيهَا إِلَّا الَّذِينَ صَبَرُوا وَمَا يُلْقِيهَا إِلَّا ذُو حَظٍّ عَظِيمٍ﴾ (٣٥) وَإِنَّمَا يَنزَغَنَّكَ مِنَ الشَّيْطَانِ نَزَعٌ فَاسْتَعِذْ بِاللَّهِ
 إِنَّهُ هُوَ السَّمِيعُ الْعَلِيمُ ﴿٣٦﴾ [فُضِّلَتْ: 34-36]

This is his biography concerning the inhabitants of earth.

Chapter

Offensives

A white banner was carried for the first time by Aboo Marthad during the month of Ramadaan seven months after the migration of the messenger of Allaah (may Allaah send salutations upon him). Aboo Marthad was an ally of Hamza Bin ‘Abdil Muttalib, and he as well as thirty muhaajiroon were sent forth. They reached the shore where they were met by Aboo Jahl and 300 men. Consequently, they prepared for battle, though Majdee Bin ‘Amr Al Juhnee who was an ally of both sides intervened before battle could begin.

Chapter

‘Ubayda Bin Al Haarith

‘Ubayda Bin Al Haarith Bin Al Muttalib was sent to Batn Ar Raabigh in Shawwaal eight months after the migration of the messenger of Allaah (may Allaah send salutations upon him). A white banner was carried by Mistah Bin Uthaatha Bin ‘Abdil Muttalib Bin ‘Abdi Manaaf who was joined by sixty muhaajiroon who awaited a caravan of Quraysh. Sa’d Bin Abee Waqqaas who was the first to be shot with an arrow during jihaad was also present. Mistah Bin Uthaatha met Aboo Sufyaan Bin Harb who was joined by 200 men, and they were ten miles away from Al Juhfa. However, both sides departed.

Chapter

Sa’d Bin Abee Waqqaas

Sa’d Bin Abee Waqqaas was sent to Al Kharaar in Dhool Qa’da nine months after the migration of the messenger of Allaah (may Allaah send salutations upon him). A white banner was carried by Al Miqdaad Bin ‘Amr who was joined by twenty men. They hid by day and advanced by night, though once they arrived, they discovered that the caravan of Quraysh had departed a day earlier.

Chapter

Al Abwaa

Al Abwaa was the first offensive which the prophet (may Allaah send

salutations upon him) participated in. It took place in Safar twelve months after his migration. A white banner was carried by Hamza Bin 'Abdil Muttalib who awaited a caravan of the Quraysh while accompanied by the muhaajiroon. Sa'd Bin 'Ubaada was placed in command of Al Madeena, and Makhsha Bin 'Amr Ad Damree agreed to a peace treaty with Banoo Damra.

Chapter

Bawaat

The messenger of Allaah (may Allaah send salutations upon him) participated in the offensive of Bawaat which took place in Rabee' Al Awwal thirteen months after his migration. Bawaat is one of the mountains of Juhayna and is located forty-eight miles from Al Madeena. A white banner was carried by Sa'd Bin Abee Waqqaas, and Sa'd Bin Mu'aadh was placed in command of Al Madeena. The messenger of Allaah (may Allaah send salutations upon him) was joined by 200 of his companions as they awaited a caravan of Quraysh. Umayya Bin Khalaf joined 100 of the Quraysh who had 2, 500 camels. Although the messenger of Allaah (may Allaah send salutations upon him) reached Bawaat, the caravan did not, so he returned.

Chapter

Karaz Bin Jaabir Al Fihree

The messenger of Allaah (may Allaah send salutations upon him) went fourth in search of Karaz Bin Jaabir Al Fihree thirteen years after his migration. A white banner was carried by 'Alee Bin Abee Taalib, and Zayd Bin Haaritha was placed in command of Al Madeena. The messenger of Allaah (may Allaah send salutations upon him) searched for Karaz Bin Jaabir Al Fihree until reaching a valley, though he did not find him, so he returned to Al Madeena.

Chapter

Dhool 'Asheer

The messenger of Allaah (may Allaah send salutations upon him) went fourth in Jumaada Ath Thaanee sixteen months after his migration, and a white banner was carried by Hamza Bin 'Abdil Muttalib. Aboo Salama Bin 'Abdil Asad Al Makhzoomee was placed in command of Al Madeena, and the messenger of Allaah (may Allaah send salutations upon him) was joined by 150 muhaajiroon. However, some say that he was joined by 200 muhaajiroon.

He informed Dhool 'Asheer that a caravan of Quraysh was headed for Syria, and Al 'Asheera is approximately 98 miles from Al Madeena.

‘Abdul Mu’min Bin Khalaf Al Haafidh has said: the messenger of Allaah (may Allaah send salutations upon him) gave ‘Alee the kunya Aboo Turaab during this offensive, though this is not so. Rather, he gave him the kunya Aboo Turaab after he married Faatima, and this was after Badr.

He came to Faatima and asked: where is your cousin? She replied: he left angry. As a result, he went to the masjid where he found him reclining. Thereafter, he began to wipe the dust off of him while saying: (sit O Aboo Turaab).

Chapter

‘Abdullaah Bin Jahsh

The messenger of Allaah (may Allaah send salutations upon him) sent ‘Abdullaah Bin Jahsh and twelve muhaajiroon to Nakhla in Rajab seventeen months after his migration. Once they arrived, they awaited a caravan of Quraysh. ‘Abdullaah Bin Jahsh was named commander of the faithful during this offensive, and the messenger of Allaah (may Allaah send salutations upon him) gave him a letter which he ordered him to read two days later, it said: (once you have read my letter, proceed until reaching Nakhla between Makka and Taa’if. Thereafter, await Quraysh and inform us of your findings).

‘Abdullaah Bin Jahsh obeyed, and he told his companions that those who desired martyrdom could proceed and those who did not could return, though all of them proceeded. Sa’d Bin Abee Waqqaas and ‘Utba Bin Ghazwaan lost their camel while en route, so they searched for it while the others advanced. Once ‘Abdullaah Bin Jahsh reached Nakhla, the caravan of Quraysh arrived carrying goods. Consequently, the believers said: this is the final day of the sacred month of Rajab, thus we would violate it by fighting. However, if we do not fight, they will enter the sacred masjid. Thereafter, they agreed to advance, thus one of them killed ‘Amr Bin Al Hadramee with a spear, and ‘Uthmaan and Al Hakam were taken prisoner. However, Nawfal escaped.

A fifth of the spoils were allotted for the first time, and ‘Amr Bin Al Hadramee was the first casualty while ‘Uthmaan and Al Hakam were the first prisoners of war. However, the messenger of Allaah (may Allaah send salutations upon him) condemned those responsible. Thereafter, the Quraysh claimed that he had violated the sacred month of Rajab. Consequently, Allaah the most high revealed the following: **{they ask you about fighting during the sacred month. Say it is a major sin and an act of disbelief, and to obstruct the path of Allaah and to banish the people of the sacred masjid is an even greater sin to Allaah, and tribulation is more severe than murder}** [Al Baqara/217].

﴿يَسْأَلُونَكَ عَنِ الشَّهْرِ الْحَرَامِ قِتَالٍ فِيهِ قُلْ قِتَالٌ فِيهِ كَبِيرٌ وَصَدٌّ عَنْ سَبِيلِ اللَّهِ وَكُفْرًا بِهِ وَالْمَسْجِدِ الْحَرَامِ

وَإِخْرَاجُ أَهْلِهِ مِنْهُ أَكْبَرُ عِنْدَ اللَّهِ وَالْفِتْنَةُ أَكْبَرُ مِنَ الْقَتْلِ﴾ [البقرة: 217]

The glorified has said that although the act which the Quraysh had condemned was a major sin, they themselves were even more sinful. As for the aforementioned tribulation, most of the early believers have explained that it is polytheism, and the most high has said: **{fight them until tribulation ceases}** [Al Baqara/193].

﴿وَقَنِيْلُهُمْ حَتَّى لَا تَكُونَ فِتْنَةً﴾ [البقرة: 193]

{Their only response was that they were not polytheists} [Al An'aam/23].

This polytheism leads one to punish those who do not accept it, thus it will be said to them when they are tortured with fire: **{taste your tribulation}** [Adh Dhaariyaat/14].

﴿ذُوقُوا فِتْنَتَكُمْ﴾ [الذاريات: 14]

Similarly, he has said: **{taste what you used to do}** [Az Zumar/24].

﴿ذُوقُوا مَا كُنتُمْ تَكْسِبُونَ﴾ [الزمر: 24]

As they tried the slaves of Allaah with polytheism, they will be tried with the fire, and the most high has said: **{those who tried the believers and did not repent}** [Al Burooj/10].

﴿إِنَّ الَّذِينَ فَتَنُوا الْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ ثُمَّ لَمْ يَتُوبُوا﴾ [البروج: 10]

It has been explained that they tried the believers with fire, though the wording is less specific than that. In actuality, they tortured the believers so that they would renounce their religion, this is the tribulation which has been attributed to the polytheists.

As for the tribulation which has been attributed to Allaah, it is not defined as such. Allaah has said: **{similarly, we tried some of them with others}** [Al An'aam/53].

﴿وَكَذَلِكَ فَتَنَّا بَعْضَهُم بِبَعْضٍ﴾ [الأنعام: 53]

And Moosa has said: **{it is a tribulation by which you guide whom you please and misguide whom you please}** [Al A'raaf/155].

﴿إِنْ هِيَ إِلَّا فِتْنَتُكَ تُضِلُّ بِهَا مَن تَشَاءُ وَتَهْدِي مَن تَشَاءُ﴾ [الأعراف: 155]

This tribulation is a test where Allaah tries his slaves with good and evil.

He has tried the believers in terms of wealth and offspring, and he has tried them until they fought one another, and the prophet (may Allaah send salutations upon him) has said: (a tribulation will come where one who sits

will be better than one who stands, and one who stands will be better than one who walks, and one who walks will be better than one who runs).

As for the following verse, disobedience has been intended: **{some of them say concede for me and spare me tribulation}** [At Tawba/49].

﴿وَمِنْهُمْ مَّنْ يَّقُولُ أَذِّنْ لِّي وَلَا تَفْتِنِّي﴾ [التوبة: 49]

Al Jidd Bin Qays said to the messenger of Allaah (may Allaah send salutations upon him) who wished to send him to Tabook: allow me to remain behind and spare me the tribulation of the girls of Banoo Al Asfar, because I cannot endure.

The most high has said: **{they fell into tribulation}**.

﴿أَلَا فِي الْفِتْنَةِ سَقَطُوا﴾ [التوبة: 49]

I. e. they fled from the trial of the girls of Banoo Al Asfar to the trial of hypocrisy.

The point is this, Allaah, the glorified judged his enemies and beloved fairly. He has stated that those who fought during the sacred month committed a major sin, and that the polytheists committed an even greater sin. Consequently, they were more blameworthy. In addition, the believers acted according to their judgement, thus Allaah could forgive them in light of their monotheism, obedience, and migration. It has been said:

When one who is beloved commits a sin his good deeds provide 1000 intercessors.

Chapter

The qibla was changed during the month of Shawwaal, and this has been mentioned previously.

Chapter

Badr

The messenger of Allaah (may Allaah send salutations upon him) was informed in the month of Ramadaan that a caravan of Quraysh would return from Syria, and it was this caravan that approximately forty men pursued upon departure.

He proceeded while accompanied by approximately 315 men, though they only had two horses. One of them belonged to Az Zubayr Bin Al 'Awwaama and the other belonged to Al Miqdaad Bin Al Aswad Al Kindee. However, they had seventy camels, and each of them were shared by two or three men. One of these camels was shared by the messenger of Allaah (may Allaah send salutations upon him), 'Alee Bin Abee Taalib, and Marthad Bin Abee Marthad.

A camel was shared by Zayd Bin Haaritha, his son, and Kabasha.

A camel was shared by Aboo Bakr, 'Umar, and 'Abdur Rahmaan Bin 'Awf.

Ibn Umm Maktoom was placed in command of Al Madeena and was responsible for leading prayer. However, when the messenger of Allaah (may Allaah send salutations upon him) reached Ar Rawhaa, he replaced him with Aboo Lubaaba Bin 'Abdil Mundhir and gave the banner to Mus'ab Bin 'Umayr. He also gave a flag to 'Alee Bin Abee Taalib, and he gave the flag of the Ansaar to Sa'd Bin Mu'aadh.

As he approached As Safraa, he sent Sabas Bin 'Amr Al Juhanee and 'Adee Bin Abee Az Zaghbaa to Badr to gather information about the caravan.

Once Aboo Sufyaan was informed that the messenger of Allaah (may Allaah send salutations upon him) was in search of him, he hired Damdam Bin 'Amr Al Ghifaaree to seek support for the caravan.

When the people of Makka became aware of this, they responded without delay. In fact, the entire nobility of Makka emerged with the exception of Aboo Lahab. Arab tribes were mobilized, and the only tribe of Quraysh which did not come forth was Banoo 'Adee.

The most high has said about those who emerged: **{do not be like those who emerged ostentatiously obstructing the path of Allaah}** [Al Anfaal/47].

﴿بَطَرًا وَرِشَاءَ النَّاسِ وَيَصُدُّونَ عَنْ سَبِيلِ اللَّهِ﴾ [الأنفال: 47]

When the messenger of Allaah (may Allaah send salutations upon him) was informed that the Quraysh had emerged, he consulted his companions. Al Miqdaad said: we will not say to you what the people of Moosa said to him, namely: **{you and your lord go fight while and we will stay here}** [Al Maa'ida/24].

﴿فَأَذْهَبَ أَنتَ وَرَبُّكَ فَقَتَلَا إِنَّا هُنَا قَاعِدُونَ﴾ [المائدة: 24]

Rather, we will fight while surrounding you. Consequently, the messenger of Allaah (may Allaah send salutations upon him) was delighted.

The messenger of Allaah (may Allaah send salutations upon him) sent 'Alee, Sa'd, and Az Zubayr to gather information. Meanwhile, the polytheists searched for water. Afterward, they returned with two slaves of the Quraysh as the prophet (may Allaah send salutations upon him) performed prayer. As a result, his companions asked them who they were, and they replied that they were slaves of the Quraysh. Once the messenger of Allaah (may Allaah send salutations upon him) finished prayer, he asked where the Quraysh were, and the slaves replied that they were behind the sandhill. He asked them how many people were present, and they replied that they did not know. He asked them how many times did they slaughter a day, and they replied nine to ten times. Consequently, he deduced that there were from 900 to 1000 people present.

Allaah the magnificent sent a torrential downpour which prevented the polytheists from advancing. However, it was a mere purification for the believers which helped them to proceed. Consequently, the messenger of Allaah (may Allaah send salutations upon him) and his companions reached water first.

Once the polytheists appeared, the messenger of Allaah (may Allaah send salutations upon him) said: (O Allaah, Quraysh has arrived in splendor with a cavalry, and they deny your messenger). He then raised his hands and said: (O Allaah, fulfill your promise to me). Consequently, Aboo Bakr said to him: rejoice O messenger of Allaah. By he in whose hand is my soul, Allaah shall fulfill his promise to you.

The believers sought the aid of Allaah, so he revealed the following to his angels: **{I am with you, so support the believers and I will frighten the disbelievers}** [Al Anfaal/12].

[12: الأنفال] ﴿إِنِّي مَعَكُمْ فَتَيِّتُوا الَّذِينَ ءَامَنُوا سَأَلَتْنِي فِي قُلُوبِ الَّذِينَ كَفَرُوا الرَّعْبَ﴾

And he revealed the following to his messenger: **{I will strengthen you with 1, 000 angels}** [Al Anfaal/9].

[9: الأنفال] ﴿إِنِّي مُيِّدُكُمْ بِأَلْفٍ مِّنَ الْمَلَائِكَةِ مُرَدِّفِينَ﴾

It has been said that they proceeded behind the believers, and it has been said they did not advanced at once.

One may say: Allaah has mentioned that he supported the believers with 1, 000 angels, though he has said the following in Aalu 'Imraan: **{when you ask the believers will it not suffice that your lord strengthen you with 3,000 angels. It certainly will if you are patient and reverent, and the polytheists will come to you without delay, and your lord will strengthen you with 5, 000 angels}** [Aalu 'Imraan/123-125].

﴿إِذْ نَقُولُ لِلْمُؤْمِنِينَ أَلَن يَكْفِيَكُمْ أَن يُيِّدَ كُمْ رَبُّكُمْ بِثَلَاثَةِ ءَلْفٍ مِّنَ الْمَلَائِكَةِ مُزِيلِينَ﴾ [123]

بَلَىٰ إِن تَصْبِرُوا وَتَتَّقُوا وَيَأْتُوكُم مِّن فَوْرِهِمْ هَٰذَا يُمْدِدْكُمْ رَبُّكُمْ بِخَمْسَةِ ءَلْفٍ مِّنَ الْمَلَائِكَةِ

مُسَوِّمِينَ ﴿١٢٥﴾ [آل عمران: 124-125]

One should respond by saying that two views have been maintained in this regard.

Ad Dahhaak and Muqaatil have said that this support was offered during the battle of Uhud, and it has been narrated that 'Ikrima has said this as well.

Ibn 'Abbaas, Mujaahid, and Qataada have said that this support was offered during the battle of Badr, and it has been narrated that 'Ikrima has said this as well. This view has been chosen by scholars of tafseer, and they rely upon the sequence of revelation, because the glorified has said: **{Allaah assisted you at Badr when you were weak, so revere Allaah and you**

may be grateful. When you ask the believers will it not suffice that your lord strengthen you with 3, 000 angels. It certainly will if you are patient and reverent...} {he strengthened you so that you would rejoice and rest assured} [Aalu 'Imraan/123-125].

﴿وَلَقَدْ نَصَرَكُمُ اللَّهُ بِبَدْرِ وَأَنْتُمْ أَذِلَّةٌ فَاتَّقُوا اللَّهَ لَعَلَّكُمْ تَشْكُرُونَ ﴿١٢٣﴾ إِذْ تَقُولُ لِلْمُؤْمِنِينَ أَلَنْ يَكْفِيَكُمْ أَنْ يُمِدَّكُمْ رَبُّكُمْ بِثَلَاثَةِ آلَافٍ مِنَ الْمَلَائِكَةِ مُنَزَّلِينَ ﴿١٢٤﴾ بَلَىٰ إِنْ تَصْبِرُوا وَتَتَّقُوا وَيَأْتُوكُم مِّن فَوْرِهِمْ هَذَا يُمْدِدْكُمْ رَبُّكُمْ بِخَمْسَةِ آلَافٍ مِنَ الْمَلَائِكَةِ مُسَوِّمِينَ ﴿١٢٥﴾﴾ [آل عمران: 123-125]

They have said: once they sought aid, he strengthened them with a total of 3, 000 angels, then he strengthened with a total of 5, 000 angels once they were patient and reverent. Consequently, this support had a greater effect upon the souls of the believers, because it was gradual. In fact, it could be compared to a gradual revelation.

Ad Dahhaak and Muqaatil have said that Allaah reminded the believers that he aided them at Badr when they were weak, and then he returned to the story of Uhud, and the glorified has said: {you left your family in the morning and prepared the believers for war, and Allaah is hearing and knowing. Two groups amongst you wished to retreat. Allaah is their aid and upon him the believers rely} [Aalu 'Imraan/121-122].

﴿وَإِذْ غَدَوْتَ مِنْ أَهْلِكَ تُبَوِّئُ الْمُؤْمِنِينَ مَقْعِدَ لِلْقِتَالِ وَاللَّهُ سَمِيعٌ عَلِيمٌ ﴿١٢١﴾ إِذْ هَمَّتْ طَائِفَتَانِ مِنْكُمْ أَنْ تَفْشَلَا وَاللَّهُ وَلِيُّهُمَا وَعَلَى اللَّهِ فَلْيَتَوَكَّلِ الْمُؤْمِنُونَ ﴿١٢٢﴾﴾ [آل عمران: 121-122]

{Allaah assisted you at Badr when you were weak, so revere Allaah and you may be grateful} [Aalu 'Imraan/123].

﴿وَلَقَدْ نَصَرَكُمُ اللَّهُ بِبَدْرِ وَأَنْتُمْ أَذِلَّةٌ فَاتَّقُوا اللَّهَ لَعَلَّكُمْ تَشْكُرُونَ ﴿١٢٣﴾﴾ [آل عمران: 123]

{Will it not suffice that your lord strengthen you with 3, 000 angels} [Aalu 'Imraan/124].

﴿أَلَنْ يَكْفِيَكُمْ أَنْ يُمِدَّكُمْ رَبُّكُمْ بِثَلَاثَةِ آلَافٍ مِنَ الْمَلَائِكَةِ مُنَزَّلِينَ ﴿١٢٤﴾﴾ [آل عمران: 124]

As for the story which is found in Al Anfaal, it is the story of Badr.

Allaah has said: {the polytheists will come to you without delay} [Aalu 'Imraan/125].

﴿وَيَأْتُوكُم مِّن فَوْرِهِمْ هَذَا﴾ [آل عمران: 125]

Mujaahid has said: this was the day of Uhud.

Chapter

The messenger of Allaah (may Allaah send salutations upon him) spent the night praying before a tree trunk, and this was the eve of Jumu'a the

seventeenth of Ramadaan year two. When morning arrived, the two armies assembled. As a result, Hakeem Bin Hizaam and 'Utba Bin Rabee'a asked the Quraysh to return, though Aboo Jahl refused.

The messenger of Allaah (may Allaah send salutations upon him) straightened the ranks, then he returned to his tent while accompanied by Aboo Bakr, and Sa'd Bin Mu'aadh and the ansaar guarded the door.

'Utba and Shayba the sons of Rabee'a and Al Waleed Bin 'Utba went out in search of a confrontation, so three ansaar approached them, namely 'Abdullaah Bin Rawaaha and 'Awf and Mu'aadh the sons of 'Afraa.

'Alee killed Al Waleed, Hamza killed 'Utba, and 'Alee and Hamza killed the opponent of 'Ubayda. However, 'Ubayda was severely wounded and died upon reaching As Safraa.

'Alee swore that the following verse was revealed concerning them: **{these two adversaries disputed concerning their lord}** [Al Hajj/19].

﴿ هَذَانِ خَصِمَانِ اِخْتَصِمُوا فِي رَبِّهِمْ ﴾ [الحج: 19]

As the battle intensified, the messenger of Allaah (may Allaah send salutations upon him) began to supplicate until his overgarment fell to the ground, so Aboo Bakr placed it upon him and said: your lord will fulfill his promise to you.

The messenger of Allaah (may Allaah send salutations upon him) slept for awhile, and once he awoke, he informed Aboo Bakr of the arrival of Jibreel. Thereafter, Allaah sent his soldiers aiding his messenger and the believers such that seventy polytheists were killed and seventy more were taken prisoner.

Chapter

Once they decided to depart, they mentioned their adversary Banoo Kinaana at which point Iblees appeared in the form of Suraaqa Bin Maalik who was a noble member of that tribe. Iblees said that he would intercede for them, and he remained by their side. However, as they prepared for combat, he saw the soldiers of Allaah descending from heaven. As a result, he attempted to flee, so they questioned him. He replied: I see what you cannot see, and I indeed fear Allaah whose retribution is severe.

He was truthful when he replied: I see what you cannot see, though he lied when he said: I indeed fear Allaah. It has been said that he feared his demise that day, and this is more apparent.

When the hypocrites and spiritually ill saw that the believers were outnumbered, they thought that only a great army could achieve victory. They said: **{their religion has deceived them}** [Al Anfaal/49].

﴿ غَرَّ هَؤُلَاءِ دِينُهُمْ ﴾ [الأنفال: 49]

Consequently, the glorified stated that aid is granted to those who rely upon him and not those who are great in number.

As the enemy approached, the companions advanced, and the messenger of Allaah (may Allaah send salutations upon him) reminded them that patience would yield victory and that paradise awaited those slain for the sake of Allaah. As a result, 'Umayr Bin Al Hamaam stood and asked: O messenger of Allaah, is paradise as vast as the heavens and earth? He replied yes, and he assured him that he would enter paradise. Consequently, he withdrew some dates and said: if I lived to finish these dates, it would be too long. He then threw them and fought until death, and he was the first casualty.

The messenger of Allaah (may Allaah send salutations upon him) took a handful of gravel and threw it in the faces of the enemy, and Allaah revealed the following verse: **{it was not you who threw, but rather Allaah}** [Al Anfaal/17].

﴿وَمَا رَمَيْتَ إِذْ رَمَيْتَ وَلَكِنَّ اللَّهَ رَمَى﴾ [الأنفال: 17]

Some have been lead to believe that it was Allaah who actually threw the gravel, though they are mistaken for various reasons. The meaning of the verse is that Allaah the glorified assisted his messenger to throw the gravel, but it is Allaah who caused it to reach the enemy.

The angels preceded the believers in killing the enemy, and Ibn 'Abbaas has said: a believer would hear the voice of a horseman and the crack of a whip as he chased a polytheist. Thereafter, he would discover that his face had been lashed.

Aboo Daawud Al Maazinee has said: as I chased a polytheist whom I wished to strike, his head fell before my sword had reached him. Consequently, I knew that he was killed by someone else.

One of the ansaar arrived with Al 'Abbaas Bin 'Abdil Muttalib whom he had taken prisoner. Al 'Abbaas Bin 'Abdil Muttalib said: by Allaah, he did not take me prisoner. I was taken prisoner by a handsome man upon a horse. As a result, his captor said: I am the one who took him prisoner O messenger of Allaah, so the messenger of Allaah (may Allaah send salutations upon him) said: (be quiet, Allaah has aided you with a noble angel).

Three members of the tribe of Banoo 'Abdil Muttalib were taken prisoner, i. e. Al 'Abbaas, 'Aqeel, and Nawfal Bin Al Haarith.

Aboo Jahl sought victory saying: O Allaah, he has severed family ties and has brought us something which we are unfamiliar with, so destroy him. O Allaah, aid whomever of us is dearer to you. Consequently, Allaah the magnificent revealed the following verse: **{if you seek victory, it has arrived. If you desist, it is better for you. If you return, so will we. Your**

allies cannot aid you regardless of their numbers, and Allaah is with the believers} [Al Anfaal/19].

﴿إِنْ قَسَتْغِيحُوا فَقَدْ جَاءَكُمْ الْفَتْحُ وَإِنْ تَنْهَوْا فَهُوَ خَيْرٌ لَكُمْ وَإِنْ تَعُودُوا نَعُدْ وَلَنْ تُغْنِيَ عَنْكُمْ فِئَتُكُمْ

شَيْئًا وَلَوْ كَثُرَتْ وَأَنَّ اللَّهَ مَعَ الْمُؤْمِنِينَ ﴿١٩﴾﴾ [الأنفال: 19]

As the believers killed and took prisoners, Sa'd Bin Mu'aadh stood before the tent of the messenger of Allaah (may Allaah send salutations upon him). His anger was apparent, so the messenger of Allaah (may Allaah send salutations upon him) said: (it seems that you dislike what is happening) , and he replied: I do.

Once the violence had subsided, the messenger of Allaah (may Allaah send salutations upon him) asked: (who will see what Aboo Jahl has done) ? As a result, Ibn Mas'ood departed and found that he had been struck by the two sons of 'Afraa, he then grabbed his beard and asked: are you Aboo Jahl? Thereafter, Abdullaah killed him, so the prophet (may Allaah send salutations upon him) said three times: (Allaah is the only deity worthy of worship). He then said: (Allaah is the greatest. Praise belongs to Allaah who has fulfilled his promise, has aided his slave, and has defeated the allies).

'Abdur Rahman Bin 'Awf took Umayya Bin Khalaf and his son 'Alee hostage.

The sword of 'Ukaasha Bin Muhsin split that day, so the prophet (may Allaah send salutations upon him) gave him a piece of wood. Once he placed it in his hand, it became a long sword, and he used it until the reign of Aboo Bakr.

Az Zubayr killed 'Ubayda Bin Sa'eed Bin Al 'Aas with his spear, and the messenger of Allaah (may Allaah send salutations upon him) asked him for it, and he gave it to him. Aboo Bakr then asked the messenger of Allaah (may Allaah send salutations upon him) for the spear, and he gave it to him. 'Umar then asked Aboo Bakr for the spear, and he gave it to him. 'Uthmaan asked 'Umar for the spear, and he gave it to him. 'Alee then received the spear, then Az Zubayr asked him for it, and it remained with him until he was killed.

Rifaa'a Bin Raafi' has said: I lost my eye on the day of Badr after being shot with an arrow, so the messenger of Allaah (may Allaah send salutations upon him) spit in my eye and began to supplicate. Consequently, I felt no more pain.

Once the battle had ended, the messenger of Allaah (may Allaah send salutations upon him) faced the dead and said: (your tribe denied me when others believed me. You failed me when others assisted me, and you banished me when others received me).

He ordered that the bodies be taken away, so they were dumped into a

well. He then stood over them and asked: (O 'Utba Ibn Rabee'a, O Shayba Bin Rabee'a, do you now realize that your lord is truthful? I have indeed realized that my lord is truthful). Consequently, 'Umar Bin Al Khattaab asked: O messenger of Allaah, why do you address a people whose bodies have decayed? He replied: (by he in whose hand is my soul, you are not more capable of hearing me than them. They are simply unable to respond).

He departed victorious after taking prisoners and obtaining spoils. Once he reached As Safraa, he divided the spoils and killed An Nadir Bin Al Haarith, he then killed 'Uqba Bin Abee Ma'eet.

When he returned to Al Madeena, he was feared by all of his enemies. Consequently, many of the locals accepted Islaam including the hypocrite 'Abdullaah Bin Ubayy and his companions who did so outwardly.

Approximately 315 believers were present at Badr, i. e. eighty-six muhaajiroon, sixty-one of Al Aws, and 170 of Al Khazraj.

There were fourteen martyrs, i. e. six muhaajiroon, six of Al Khazraj, and two of Al Aws.

The battle of Badr concluded in the month of Shawwaal.

Chapter

Banoo Saleem

The messenger of Allaah (may Allaah send salutations upon him) participated in the offensive of Banoo Saleem seven days after the conclusion of Badr. He placed Ibn Umm Maktoom in command of Al Madeena. Thereafter, he traveled until reaching water, though he returned three days later.

Chapter

As Saweeq

Aboo Sufyaan vowed that water would not touch his head until he attacked the messenger of Allaah (may Allaah send salutations upon him). As a result, he advanced while joined by 200 men. Once he reached the outskirts of Al Madeena, he was hosted for a night. Once morning arrived, he killed a man of the ansaar and his ally. Although the messenger of Allaah (may Allaah send salutations upon him) searched for him, he did not find him. The disbelievers discarded their provisions and the believers retrieved them, thus this offensive was named as saweeq. This was two months after the conclusion of Badr.

Chapter

Ghatfaan

The messenger of Allaah (may Allaah send salutations upon him) remained in Al Madeena for the duration of Dhool Hijja, then he attacked

Najd. He placed 'Uthmaan Bin 'Affaan in command of Al Madeena, and he remained in Najd for the entire month of Safar during the third year. However, war did not erupt.

Chapter

Bahraan

He remained in Al Madeena for the duration of Rabee' Al Awwal, then he departed in search of the Quraysh. He placed Ibn Umm Maktoom in command of Al Madeena and spent Rabee' Ath Thaanee and Jumaada Al Uwla in Bahraan. However, war did not erupt, so he returned.

Chapter

Banoo Qaynaqaa'

He attacked Banoo Qaynaqaa' who were Jews of Al Madeena. Since they breached their agreement, he detained them for fifteen nights until they conceded. Once 'Abdullaah Bin Ubayy interceded, the prophet (may Allaah send salutations upon him) released them. There was 700 of them and they were the people of 'Abdullaah Bin Salaam, they were also jewelers and merchants.

Chapter

The Murder Of Ka'b Bin Al Ashraf

Ka'b Bin Al Ashraf was Jewish and his mother was a member of the tribe of Banoo An Nadeer. He had a great aversion for the messenger of Allaah (may Allaah send salutations upon him) and the believers. Consequently, the messenger of Allaah (may Allaah send salutations upon him) allowed Muhammad Bin Muslima, 'Abbaad Bin Bishr, Aboo Naa'ila, Al Haarith Bin Aws, and Aboo'Abs Bin Jabr to deceive him. As a result, they went to Baqee' Al Gharqad where Aboo Naa'ila pretended to agree with him, and he suggested that they loan him weapons and that he sell them food, and he agreed.

Aboo Naa'ila and his companions went to Ka'b Bin Al Ashraf and drew their swords, and Muhammad Bin Muslima killed him. In fact, this enemy of Allaah screamed so loudly that those surrounding him became terrified.

Al Haarith Bin Aws was wounded by some of the swords of his companions, so the messenger of Allaah (may Allaah send salutations upon him) healed him by spitting on his wounds.

Chapter

Uhud

Allaah annihilated the nobility of Quraysh at Badr, thus Aboo Sufyaan Bin Harb became leader. In the month of Shawwaal year three, Aboo Sufyaan gathered 3000 of the Quraysh and their allies and lead them toward

Al Madeena where they settled at a place called 'Aynayn near mount Uhud.

The messenger of Allaah (may Allaah send salutations upon him) consulted his companions where they discussed whether they should advance or not. As for the messenger of Allaah (may Allaah send salutations upon him), he felt that they should fortify themselves in Al Madeena, and 'Abdullaah Bin Ubayy agreed.

A group of eminent companions who did not participate in the battle of Badr begged the messenger of Allaah (may Allaah send salutations upon him) to allow them to participate in the forthcoming offensive. Thereafter, they said: O messenger of Allaah, if you wish to remain in Al Madeena, then do so. As a result, he said: (it is not fitting that a prophet put down his armor until Allaah decides between him and his enemy).

The messenger of Allaah (may Allaah send salutations upon him) advanced while joined by 1000 companions, and he gave Ibn Umm Maktoom the responsibility of leading prayer in Al Madeena.

The messenger of Allaah (may Allaah send salutations upon him) had a dream in Al Madeena where he saw that his sword was split, and he saw himself inserting his hand into the udder of a slaughtered cow. Consequently, he interpreted that his sword represented a male relative of his who would be stricken, and that the cow represented a group of his companions, and that the udder represented Al Madeena.

He departed on Jumu'a, and approximately 1/3 of the army sided with 'Abdullaah Bin Ubayy. As a result, 'Abdullaah Bin 'Amr Bin Haraam the son of Jaabir Bin 'Abdillaah urged them to fight for the sake of Allaah, though they refused. Thereafter, some ansaar asked him if they could seek the aid of the Jewish allies, though he did not allow them to do so.

Once the messenger of Allaah (may Allaah send salutations upon him) settled near Uhud, he forbade that one fight before being commanded to do so. When morning arrived on Saturday, he prepared for battle while joined by 700 men.

The messenger of Allaah (may Allaah send salutations upon him) gave the banner to Mus'ab Bin 'Umayr and placed Az Zubayr Bin Al 'Awwaam on one flank while placing Al Mundhir Bin 'Amr on the other.

He rejected those whom he considered too young to fight, such as:

'Abdullaah Bin 'Umar

Usaama Bin Zayd

Usayd Bin Dhaheer

Al Baraa Bin 'Aazib

Zayd Bin Arqam

Zayd Bin Thaabit

'Uraaba Bin Aws

'Amr Bin Hazm

Whereas, he accepted those whom he considered capable of fighting, such as:

Samura Bin Jundub

Raafi' Bin Khadeej

Some have said that those whom he accepted were at least fifteen years of age which is the age of maturity, others have said that those whom he accepted were capable of fighting, and Ibn 'Umar has said: when he saw that I was capable, he allowed me to fight.

The Quraysh prepared for battle, and 3000 of them were present. They placed Khaalid Bin Al Waleed on the right flank and 'Ikrima Bin Abee Jahl on the left flank.

The messenger of Allaah (may Allaah send salutations upon him) gave his sword to Sammaak Bin Kharsha who was known for his bravery.

The first polytheist to come fourth was Aboo 'Aamir 'Abdu 'Amr Bin Sayfee who was named The Monk, though the messenger of Allaah (may Allaah send salutations upon him) named him the sinner. He was the leader of Al Aws before Islaam and an open adversary of the messenger of Allaah (may Allaah send salutations upon him) thereafter. Consequently, he encouraged the Quraysh to fight him lest his people obey him.

The enemies of Allaah were initially defeated, thus soldiers left their post. As a result, their commander reminded them of their obligation, though they believed that the polytheists would not return. Consequently, they went forth in search of spoils creating a gap which allowed the polytheists to surround the believers.

Allaah honored seventy companions with martyrdom, and a tooth of the prophet (may Allaah send salutations upon him) was broken, and he was stoned until he fell into a trench. As a result, 'Alee Bin Abee Taalib held his hand as Talha Bin 'Ubaydillaah embraced him.

Once Mus'ab Bin 'Umayr was slain, the banner was passed to 'Alee Bin Abee Talib.

Qataada Bin An Nu'maan suffered an eye injury, so he came to the messenger of Allaah (may Allaah send salutations upon him) who healed him.

Shaytaan shouted: Muhammad has been killed. However, he later appeared at which point Ka'b Bin Maalik exclaimed: rejoice O believers, there is the messenger of Allaah (may Allaah send salutations upon him). Thereafter, Aboo Bakr, 'Umar, 'Alee, Al Haarith Bin As Samma Al Ansaaree and others returned to the ravine.

Ubayy Bin Khalaf claimed that the messenger of Allaah (may Allaah send salutations upon him) was killed. As a result, the messenger of Allaah (may Allaah send salutations upon him) took a spear from Al Haarith Bin As Samma and stabbed Ubayy Bin Khalaf in the collarbone, and he died while returning to Makka.

‘Alee brought the messenger of Allaah (may Allaah send salutations upon him) water. He then washed the blood from his face and rinsed his scalp. The messenger of Allaah (may Allaah send salutations upon him) wished to climb a rock, though he was unable due to his injury. As a result, Talha sat beneath him enabling him to ascend at which point prayer was due, so he led them in prayer while sitting.

The believers killed the banner bearer of the polytheists, so ‘Umra Bint ‘Alqama Al Haarithiyya retrieved it. Umm ‘Ammara fought a fierce battle striking ‘Amr Bin Qam’a with her sword numerous times, though he was protected by his armor. However, he struck her with his sword severing her shoulder.

‘Amr Bin Thaabit refused to accept Islaam, though Allaah guided him on the day of Uhud due to his good deeds. Thereafter, he met the prophet (may Allaah send salutations upon him) and fought, though no one was aware of this. Once the fighting ceased, Banoo ‘Abdil Ash haal began searching for their dead at which point they found ‘Amr Bin Thaabit. He informed them that he was a believer and was wounded while fighting with the messenger of Allaah (may Allaah send salutations upon him), and then he died. When the messenger of Allaah (may Allaah send salutations upon him) learned of his death, he said: (he is of the people of paradise). Aboo Hurayra has said: he did not perform one prayer.

Aboo Sufyaan cried from the mountain: is Muhammad amongst you? Though he did not receive a response. He cried: is Ibn Abee Quhaafa amongst you? Though he did not receive a reply. He cried: is ‘Umar Bin Al Khattaab amongst you? Though he did not receive a reply.

He asked about these three only, because he and his people knew that they were pillars of the religion.

‘Umar could not resist the urge to respond, so he said: O enemy of Allaah, those whom you have mentioned are alive. Thereafter, Aboo Sufyaan began to praise his deities, so the messenger of Allaah (may Allaah send salutations upon him) commanded the companions to glorify Allaah and to declare their supremacy.

Allaah caused the believers to feel drowsy during Badr and Uhud, and drowsiness during war is a sign of security. However, drowsiness is caused by Shaytaan during gatherings of knowledge and remembrance.

The angels fought with the messenger of Allaah (may Allaah send salutations upon him) on the day of Uhud, and it has been narrated that Sa’d Bin Abee Waqqaas has said: on the day of Uhud, I saw two men dressed in white who fought with the messenger of Allaah (may Allaah send salutations upon him), and I have never seen anyone fight as fiercely as them. Narrated by Al Bukhaaree and Muslim.

It has been narrated that the messenger of Allaah (may Allaah send

salutations upon him) was joined by seven men of the ansaar and two men of the Quraysh when he said: (whoever deters them will enter paradise) or (he will be my companion in paradise). Consequently, a man of the ansaar came fourth and fought until death, and this continued until all seven men were killed. As a result, the messenger of Allaah (may Allaah send salutations upon him) said: (our companions have not been fair to us).

This prophetic tradition has also been narrated as such: (we have not been fair to our companions).

(our companions have not been fair to us) : some companions of the messenger of Allaah (may Allaah send salutations upon him) fled leaving him with a small group which fought until death.

(we have not been fair to our companions) : the ansaar came fourth one after the other until they were all killed, though the two men of the Quraysh did not.

The polytheists ascended the mountain, so the the messenger of Allaah (may Allaah send salutations upon him) said to Sa'd: (deter them). He asked three times: how can I do so alone? He then shot a man with an arrow and killed him. He said: I took the arrow and killed two other men, then the enemy descended. As a result, I said: this arrow is blessed, so I kept it in my quiver, and it remained with him until death.

It has been narrated that Aboo Haazim was asked about the wound of the messenger of Allaah (may Allaah send salutations upon him) and replied: by Allaah, I indeed know who cleansed the wound of the messenger of Allaah (may Allaah send salutations upon him) and brought him water, and I know what he was treated with. His daughter Faatima cleansed his wound and 'Alee Bin Abee Taalib brought him water. However, once Faatima realized that the water aggravated the wound, she burned a piece of fiber and applied it to the wound and it absorbed the blood. Narrated by Al Bukhaaree and Muslim.

His face was lacerated and his tooth was broken, thus he asked: (how could a people prosper when they have lacerated the face of their prophet and have broken his tooth) ? !As a result, Allaah the magnificent revealed the following: **{you have no say in the matter. Allaah may forgive them and he may punish them, because they are unjust}** [Aalu 'Imraan/128].

﴿لَيْسَ لَكَ مِنَ الْأَمْرِ شَيْءٌ أَوْ يَتُوبَ عَلَيْهِمْ أَوْ يُعَذِّبَهُمْ فَإِنَّهُمْ ظَالِمُونَ﴾ [آل عمران: 128]

Anas Bin An Nadir said: O Allaah, I apologize for what these people have done, i. e. the believers, and I absolve myself of what those people have done, i. e. the polytheists. Thereafter, he met Sa'd who informed him that the breeze of paradise had reached him. Consequently, he fought until death, though only his sister could recognize him, and he received more than eighty wounds.

Hudhayfa looked at his father as the believers prepared to kill him, because they thought that he was a polytheist. Hudhayfa called them, though they did not understand him. As a result, they killed his father, so he said: may Allaah forgive you. Thereafter, he rejected the bloodwit for the sake of the believers and became dearer to the prophet (may Allaah send salutations upon him).

Zayd Bin Thaabit has said: the messenger of Allaah (may Allaah send salutations upon him) sent me in search of Sa'd Bin Ar Rabee' on the day of Uhud. He said: if you see him, bid him peace. As a result, I walked amongst the dead where I found that he had received seventy wounds, so I said: O Sa'd, the messenger of Allaah (may Allaah send salutations upon him) bids you peace. He said: and may peace be upon the messenger of Allaah (may Allaah send salutations upon him). Inform him that the breeze of paradise has reached me, and then he died.

A man of the muhaajiroon passed a man of the ansaar who was covered in blood, so he asked: O so and so, do you feel that Muhammad has been killed? He replied: if Muhammad has been killed, then fight for the sake of your religion. Consequently, Allaah revealed the following: **{Muhammad is only a messenger, and messengers have preceded him}** [Aalu 'Imraan/144].

﴿وَمَا مُحَمَّدٌ إِلَّا رَسُولٌ قَدْ خَلَتْ مِنْ قَبْلِهِ الرُّسُلُ﴾ [آل عمران: 144]

'Abdullaah Bin 'Amr Bin Haraam has said: I had a dream before Uhud where I saw Mubashir Bin 'Abdil Mundhir say: you will soon join us, so I asked: where are you? He replied: I am in paradise where we roam as we please. I asked him: were not you killed on the day of Badr? He replied: I certainly was, then I was revived. Consequently, he informed the messenger of Allaah, and he said: (this is martyrdom O Jaabir).

Aboo Sa'd whose son was martyred on the day of Badr has said: by Allaah, I was so eager to participate in Badr that my son and I held a lottery, though I lost and he was martyred. I saw him in a dream last night where looking better than ever as he roamed paradise. He said: join us, for my lord has told the truth.

O messenger of Allaah, I yearn to join him and I would like to meet my lord. However, I am old and weak, so ask Allaah to grant me martyrdom so that I may join Sa'd. As a result, the messenger of Allaah (may Allaah send salutations upon him) supplicated as such, thus he was martyred on the day of Uhud.

'Abdullaah Bin Jahsh said that day: O Allaah, I want the enemy to open my stomach and to remove my ears and nose, and I hope that you will question me so that I may respond that this was all for your sake.

'Amr Bin Al Jamooh was severely crippled and had four adolescent sons

who fought with the messenger of Allaah (may Allaah send salutations upon him). He wished to join them during the battle of Uhud, though they said: you are not obliged to fight. Consequently, he came to the messenger of Allaah (may Allaah send salutations upon him) and said: O messenger of Allaah, my sons will not allow me to join you. By Allaah, I hope to become a martyr. As a result, the messenger of Allaah (may Allaah send salutations upon him) said: (as for yourself, Allaah has relieved you of jihaad). He then said to his sons: (Allaah the magnificent may grant him martyrdom). Thereafter, he joined the messenger of Allaah (may Allaah send salutations upon him) and was martyred on the day of Uhud.

Ubayy Bin Khalaf the enemy of Allaah approached in armor and said: if Muhammad lives, I will not, and he swore while in Makka that he would kill him. Thereafter, he killed Mus'ab Bin 'Umayr at which point the messenger of Allaah (may Allaah send salutations upon him) noticed that the collarbone of Ubayy Bin Khalaf was exposed, so he stabbed him with his spear. As a result, he fell from his horse and was carried by his companions. He then recalled that the prophet (may Allaah send salutations upon him) had said: (rather, I will kill him if Allaah was willed), and he died in Raabigh.

Naafi' Bin Jubayr has said: I heard a man of the muhaajiroon say: I was present during Uhud as arrows went in all directions, though none of them struck the messenger of Allaah (may Allaah send salutations upon him). 'Abdullaah Bin Shihaab Az Zuhree said: help me find Muhammad. If he lives, I will not. However, the messenger of Allaah (may Allaah send salutations upon him) was beside him.

'Abdullaah Bin Shihaab Az Zuhree proceeded and was reprimanded by Safwaan who said: by Allaah, I have not seen him. Consequently, four of us vowed to kill 'Abdullaah Bin Shihaab, though we were unsuccessful.

Az Zuhree, 'Aasim Bin 'Umar, Muhammad Bin Yahya Bin Hibbaan, and others have said: the day of Uhud was a trial where Allaah the magnificent tested the believers and exposed the disbelievers who displayed faith while concealing disbelief. As a result, Allaah honored his beloved with martyrdom.

Sixty verses of Aalu 'Imraan concern the day of Uhud, and this story begins as follows: **{when you left your family in the morning and prepared the believers for battle}** [Aalu 'Imraan/121].

﴿وَإِذْ عَدَّوْتُمْ مِنْ أَهْلِكُمْ بُيُوتَ الْمُؤْمِنِينَ مَقْبَعَةً لِلْقِتَالِ﴾ [آل عمران: 121]

Chapter

Rulings Which May Be Derived From This Battle

Once one has prepared for jihaad, he may not return until he has fought his enemy.

The believers are not obliged to advance when the enemy reaches their locale. Rather, they may remain where they are if this more advantageous.

The imaam and his army may tread upon the property of those within his dominion if necessary, even against their will.

Youth incapable of fighting may not be accepted for jihaad.

Women may be relied upon during wartime.

One may assimilate with the enemy.

A wounded imaam leads prayer while sitting and those who follow him sit as well.

A man may hope and pray to be killed for the sake of Allaah, because he in this case is not like one who hopes for death.

If one commits suicide, he will be amongst the people of the fire, and when Qazmaan committed suicide due to the severity of his wounds on the day of Uhud, the prophet (may Allaah send salutations upon him) said: (he will be amongst the people of the fire).

A martyr should not be bathed and shrouded. Rather, he is buried as is unless his clothes have been taken.

A martyr is bathed if he is in a state of major impurity.

Martyrs should be buried where they are slain, because as the dead were being taken to Al Madeena, the crier of the messenger of Allaah (may Allaah send salutations upon him) announced that they be returned to Al Madeena. Jaabir has said: as my aunt brought my father and uncle to Al Madeena for burial, a man announced the following: the messenger of Allaah (may Allaah send salutations upon him) commands you to bury the dead where they were slain. Consequently, we buried my father and uncle where they were slain.

A man came to me during the reign of Mu'aawiya Bin Abee Sufyaan and said: O Jaabir, the workers of Mu'aawiya have exhumed your father, and I found him exactly as I left him. Thereafter, it became commonplace that martyrs be buried where they are slain.

Two or three men may be buried in one grave, because the prophet (may Allaah send salutations upon him) would ask when burying two or three men: (which of them was most well versed in the Qur'aan) ? If he was identified, he would be buried first.

'Abdullaah Bin 'Amr Bin Haraam and 'Amr Bin Al Jamooh were buried together due to their love for each other, so the prophet (may Allaah send salutations upon him) said: (bury these two who loved each in one grave).

Jaabir has said: when I saw my father, it appeared that he was asleep, and he had not changed at all.

Were the companions obliged to bury the martyrs of Uhud in their clothes? Aboo Haneefa held that this act was imposed. Whereas, Ash Shaafi'ee and Ahmad held that it was recommended. One may say: Ya'qoob

Bin Shayba and others have narrated that Safiyya sent two pieces of fabric to the prophet (may Allaah send salutations upon him) so that Hamza could be shrouded. However, Hamza was stripped of his clothes, his liver was removed, and he was mutilated. Similarly, there are those who say that a martyr should be bathed, though the prophetic tradition is paramount.

Prayer is not performed for a martyr, because the messenger of Allaah (may Allaah send salutations upon him) did not do so for the martyrs of Uhud. In fact, it is not known that he or his successors ever did this.

One may say: 'Uqba Bin 'Aamir has narrated that the prophet (may Allaah send salutations upon him) performed prayer for the people of Uhud, and Ibn 'Abbaas has said: the messenger of Allaah (may Allaah send salutations upon him) performed prayer for those slain at Uhud.

This prayer was performed eight years later as a farewell before his death, and he sought forgiveness for the dead at Al Baqee' for the same reason. However, if the former practice was a prophetic tradition, it would not have been delayed for eight years.

Although the ill and physically challenged are not obliged to wage jihaad, they may do so if they please.

If a believer is mistaken for a disbeliever and is killed, the imaam is obliged to withdraw a bloodwit from the treasury, because the messenger of Allaah (may Allaah send salutations upon him) wished to do so when Al Yamaan was killed, though Hudhayfa refused to accept it for the sake of the believers.

Chapter

The Wisdom And Praiseworthy Objectives of Uhud

The story of Uhud begins with the following verse: **{when you left your family in the morning to prepare the believers for battle}** [Aalu 'Imraan/121].

﴿وَإِذْ غَدَوْتَ مِنْ أَهْلِكَ تُبَوِّئُ الْمُؤْمِنِينَ مَقْعِدَ لِلْقِتَالِ﴾ [آل عمران: 121]

Allaah informed the believers of the consequences of dissention and disobedience when he said: **{Allaah kept his promise when he allowed you to kill them, then you disagreed and became cowardly and disobedient. Some of you desire the world while some of you desire the afterlife. Thereafter, he diverted you from combat as a test, and then he forgave you}** [Aalu 'Imraan/152].

﴿وَلَقَدْ صَدَقَكُمُ اللَّهُ وَعْدَهُ إِذْ تَحُسُّونَهُمْ بِإِذْنِهِ ۖ ثُمَّ حَتَّىٰ إِذَا فَشِلْتُمْ

وَتَنَزَّعْتُمْ فِي الْأَمْرِ وَعَصَيْتُمْ مِمَّا أُرِيكُمْ مَا تُحِبُّونَ ۚ مِنْكُمْ مَنْ يُرِيدُ

الدُّنْيَا وَمِنْكُمْ مَنْ يُرِيدُ الْآخِرَةَ ثُمَّ صَرَفَكُمْ عَنْهُمْ لِيَبْتَلِيَكُمْ

وَلَقَدْ عَفَا عَنْكُمْ ﴿١٥٢﴾ [آل عمران: 152]

Once they suffered the consequences of their dissention and disobedience, they were most wary of the causes of defeat.

The wisdom of Allaah necessitated that his messengers and their followers achieve victory and suffer defeat, because if they were always victorious, those who were truthful would not be recognized. However, if they always suffered defeat, the objective for which the messengers were sent would not have been achieved. Consequently, the wisdom of Allaah necessitated that the messengers and their followers experience the former and latter so that their sincere followers would be recognized.

Heracles asked Aboo Sufyaan: have you fought him? He replied: yes. He asked: how was combat? He replied: at times he would be victorious, and at other times we would be victorious. He said: messengers are tried as such, then they are rewarded.

When Allaah granted the believers victory on the day of Badr, they were joined by those who supported them outwardly though not inwardly. As a result, the wisdom of Allaah the magnificent necessitated a trial which would separate the believers from the hypocrites. Consequently, the hypocrites spoke without reservation at which point man was divided into three distinct categories:

- believer
- disbeliever
- hypocrite

The believers knew that they had enemies who dwelled with them, so they prepared accordingly, and Allaah the most high has said: **{Allaah would not leave you be without separating the believers from the hypocrites, and he would not reveal the unknown to you. Rather, he selects the messengers whom he pleases}** [Aalu 'Imraan/179].

﴿مَا كَانَ اللَّهُ لِيَذَرَ الْمُؤْمِنِينَ عَلَىٰ مَا أَنْتُمْ عَلَيْهِ حَتَّىٰ يَمِيزَ الْخَيْرَ مِنَ الْطَّيِّبِ وَمَا كَانَ اللَّهُ لِيُطْلِعَكُمْ عَلَى الْغَيْبِ وَلَكِنَّ

اللَّهُ يَجْتَبِيٰ مِنْ رُسُلِهِ مَن يَشَاءُ﴾ [آل عمران: 179]

Allaah would not allow the hypocrites to assimilate with the believers without testing them as he did on the day of Uhud, nor would he reveal the unknown to them. Rather, he desired that his knowledge become manifest, and he has said: **{rather, he selects the messengers whom he pleases}**, i. e. he reveals the unknown to them as he pleases. Similarly, he has said: **{he will only reveal the unknown to a messenger whom he is satisfied with}** [Al Jinn/26-27].

﴿عَلَيْمُ الْغَيْبِ فَلَا يُظْهِرُ عَلَى غَيْبِهِ أَحَدًا﴾ (١٦) إِلَّا مَنِ ارْتَضَىٰ مِنْ رَسُولٍ فَإِنَّهُ يَسْلُكُ مِنْ بَيْنِ يَدَيْهِ وَمِنْ خَلْفِهِ

رَصَدًا ﴿١٧﴾ [الجن: 27]

Happiness is achieved when one believes in the unknown which has been revealed to the messengers, and faith and certainty in this regard yield the greatest reward.

If the believers maintain their servitude and obedience under all circumstances, they are true slaves unlike those who only worship Allaah during times of ease.

If Allaah the glorified always granted the believers victory, they would become arrogant. However, he manages their affairs as his wisdom dictates, and he is completely aware of them.

If Allaah tests the believers with defeat, they will become subservient which will prompt his aid, and he has said: **{Allaah aided you at Badr when you were weak}** [Aalu 'Imraan/123].

﴿وَلَقَدْ نَصَرَكُمُ اللَّهُ بِبَدْرٍ وَأَنْتُمْ أَذِلَّةٌ﴾ [آل عمران: 123]

{You were impressed by your presence on the day of Hunayn, though it was of no avail} [At Tawba/25].

﴿وَيَوْمَ حُنَيْنٍ إِذْ أَعْجَبَتْكُمْ كَثْرَتُكُمْ فَلَمْ تُغْنِ عَنْكُمْ شَيْئًا﴾ [التوبة: 25]

When the glorified wishes to aid his slave, he allows him to suffer defeat.

The glorified has built homes in paradise for his slaves, but they cannot be had without tribulation. As a result, he has tried his slaves.

Constant well being is an illness which hinders the soul as it approaches the afterlife, and when Allaah honors a soul, he treats it with tribulation. In fact, tribulation is like a physician who cures an ailment with a bitter medicine.

Martyrs are the nearest of slaves to Allaah, and he loves when their blood is shed.

Allaah the glorified allows his enemies to destroy themselves when he wishes to annihilate them, and one of the greatest means of self destruction after infidelity is to combat the beloved of Allaah. When this occurs, Allaah purifies them of their sins and shortcomings as his enemies approach their destruction. Allaah the glorified and most high has mentioned this when he said: **{do not become weak or despondent while you are dominant if you believe. If you were wounded, people have been wounded similarly. These circumstances alternate so that Allaah may identify the believers and grant you martyrdom. Allaah does not love the unjust, and he seeks to purify the believers while annihilating the disbelievers}** [Aalu 'Imraan/139-141].

﴿وَلَا تَهِنُوا وَلَا تَحْزَنُوا وَأَنْتُمْ الْأَعْلَوْنَ إِنْ كُنْتُمْ مُؤْمِنِينَ﴾ (١٣٩) إِنْ يَمَسُّكُمْ فَجٌّ فَقَدْ مَسَّ الْقَوْمَ فَجٌّ مِثْلُهُ وَتِلْكَ الْآيَاتُ نَذِيرٌ لِّهَا بَيْنَ النَّاسِ وَلِيَعْلَمَ اللَّهُ الَّذِينَ آمَنُوا وَيَتَّخِذَ مِنْكُمْ شُهَدَاءَ وَاللَّهُ لَا يُحِبُّ الظَّالِمِينَ ﴿١٤٠﴾ وَلِيَمِصَّ اللَّهُ الَّذِينَ آمَنُوا وَيَمْحَقَ

الْكَافِرِينَ ﴿١٤١﴾ [آل عمران: 139-141]

Allaah strengthened their resolve while mentioning the wisdom which necessitated the victory of the disbelievers.

He has said: **{if you were wounded, people have been wounded similarly}** [Aalu 'Imraan/140].

﴿إِنْ يَمَسُّكُمْ فَجٌّ فَقَدْ مَسَّ الْقَوْمَ فَجٌّ مِثْلُهُ﴾ [آل عمران: 140]

Although they are equal in terms of pain, they differ in terms of reward.

He has said: **{if you are in pain, so are they. However, you do not share the same hope}** [An Nisaa/104].

﴿إِنْ تَكُونُوا تَأْلَمُونَ فَإِنَّهُمْ يَأْلَمُونَ كَمَا تَأْلَمُونَ وَتَرْجُونَ مِنَ اللَّهِ مَا لَا يَرْجُونَ﴾ [النساء: 104]

How could they weaken when they were afflicted for the sake of Allaah?

Allaah loves martyrs and has built the finest homes for them. Conversely, he has said: **{Allaah does not love the unjust}** [Aalu 'Imraan/140].

﴿وَاللَّهُ لَا يُحِبُّ الظَّالِمِينَ﴾ [آل عمران: 140]

I. e. the hypocrites who failed to aid the prophet (may Allaah send salutations upon him) on the day of Uhud. Since Allaah did not love them, he deprived them of martyrdom.

The believers were afflicted that day and were separated from the hypocrites, thus they were purified inwardly and outwardly.

Allaah disproved the notion that one could enter paradise without waging jihaad when he asked: **{do you believe that you will enter paradise when Allaah does not know which of you wage jihaad and persevere}** [Aalu 'Imraan/142].

﴿أَمْ حَسِبْتُمْ أَنْ تَدْخُلُوا الْجَنَّةَ وَلَمَّا يَعْلَمِ اللَّهُ الَّذِينَ جَاهَدُوا مِنْكُمْ

وَيَعْلَمَ الْغَابِرِينَ﴾ [آل عمران: 142]

An action is not rewarded until it is known to have occurred.

Allaah reprimanded the believers due to their defeat which was caused by their anticipation, and he has said: **{you anticipated death and you saw it as you waited}** [Aalu 'Imraan/143].

﴿وَلَقَدْ كُنْتُمْ تَمَنَّوْنَ الْمَوْتَ مِنْ قَبْلِ أَنْ تَلْقَوْهُ فَقَدْ رَأَيْتُمُوهُ وَأَنْتُمْ تَنْظُرُونَ﴾ [آل عمران: 143]

Ibn 'Abbaas has said: when Allaah the most high informed the believers by way of his prophet what he did for the martyrs of Badr, they wished to be martyred so that they could join their brothers. As a result, Allaah gave them the opportunity to do so on the day of Uhud, and he has said: **{you anticipated death and you saw it as you waited}** [Aalu 'Imraan/143].

﴿وَلَقَدْ كُنْتُمْ تَمَنَّوْنَ الْمَوْتَ مِنْ قَبْلِ أَنْ تَلْقَوْهُ فَقَدْ رَأَيْتُمُوهُ وَأَنْتُمْ نَظُرُونَ﴾ [آل عمران: 143]

The battle of Uhud was a prelude to the death of the prophet (may Allaah send salutations upon him), thus Allaah rebuked the believers lest they revert upon his demise. Rather, they were obliged to practice their religion until death since their lord is eternal.

Every soul shall die, and Muhammad (may Allaah send salutations upon him) was not sent to live forever. Rather, he was sent so that man would die upon faith and religion. Furthermore, even if the prophet (may Allaah send salutations upon him) remained alive, death is inevitable. Consequently, the most high has said: **{Muhammad is only a messenger, and messengers have preceded him. If he dies or is killed, will you revert. If anyone does so, he will not harm Allaah, and Allaah will reward the grateful}** [Aalu 'Imraan/144].

﴿وَمَا مُحَمَّدٌ إِلَّا رَسُولٌ قَدْ خَلَتْ مِنْ قَبْلِهِ الرُّسُلُ أَفَإِنْ مَاتَ أَوْ قُتِلَ انْقَلَبْتُمْ عَلَى أَعْقَابِكُمْ وَمَنْ يَنْقَلِبْ عَلَى

عَقْبَيْهِ فَلَنْ يَضُرَّ اللَّهَ شَيْئًا وَسَيَجْزِي اللَّهُ الشَّاكِرِينَ﴾ [آل عمران: 144]

The grateful are those who appreciate the grace of Allaah and remain steadfast until death.

The wisdom of this address became clear upon the death of the messenger of Allaah (may Allaah send salutations upon him) when some reverted while others remained steadfast. Consequently, the grateful were victorious with the help of Allaah.

The glorified has informed us that a great number of his prophets and their followers were killed, though the survivors did not weaken during combat. Rather, they accepted their martyrdom with dignity and open arms.

The glorified has informed us of prophets and their nations who were victorious. He has also mentioned their repentance and appeal for aid, and he has said: **{their statement was: our lord, forgive us, strengthen us, and grant us victory. Consequently, Allaah granted them a worldly and heavenly reward, and Allaah loves those who do good}** [Aalu 'Imraan/147-148].

﴿وَمَا كَانَ قَوْلُهُمْ إِلَّا أَنْ قَالُوا رَبَّنَا اغْفِرْ لَنَا ذُنُوبَنَا وَإِسْرَافَنَا فِي أَمْرِنَا وَثَبِّتْ أَقْدَامَنَا وَانصُرْنَا

عَلَى الْقَوْمِ الْكَافِرِينَ﴾ [آل عمران: 147]

﴿الْمُحْسِنِينَ﴾ [آل عمران: 148-147]

The people became aware that they were defeated due to their sins, and they learned that sins are of two types, i. e. those which are due to neglect, and those which are due to transgression.

They learned that there is no victory without obedience, and they learned that they could not become steadfast without the aid of Allaah. Consequently, they fulfilled two obligations, i. e. they sought refuge with Allaah, and they repented thus removing the obstacle which barred them from victory.

Allaah warned the believers from obeying their enemy lest they become losers in this world and the next, and it was the hypocrites who obeyed the polytheists upon their victory on the day of Uhud.

The glorified informed the believers that he is the finest aid, thus whomever he assists is victorious.

He informed the believers that he would terrify their enemies, and none is more fearful than a polytheist. Conversely, one whose faith is absolute is safe, guided, and successful.

He informed the believers that he kept his promise by granting them victory, and that they were defeated once they disobeyed the messenger by abandoning their post. This was a punishment intended to make them aware of the consequences of disobedience.

He informed the believers that he forgave them and that he is graceful toward the believers. Someone asked Al Hasan: how did he forgive them when he allowed the enemy to attack them? He replied: had it not been for his clemency, the enemy would have annihilated them.

He reminded the believers of those who fled ascending the mountain. They did not look back as the messenger of Allaah (may Allaah send salutations upon him) called them while facing the enemy. Consequently, their recompense was recurring sorrow, i. e. defeat followed by the announcement of Shaytaan that Muhammad was killed.

It has been said that their recompense was sorrow, because they fled from the messenger of Allaah (may Allaah send salutations upon him) and handed him to the enemy which saddened him. However, the first view is more apparent for the following reasons:

Allaah the most high has said: **{so that you may not mourn due to defeat or rejoice due to victory}** [Al Hadeed/23].

﴿لَيْسَ لَنَا سَوْءٌ عَلَىٰ مَا فَاتَكُم وَلَا تَفْرَحُوا بِمَا آتَاكُمْ﴾ [الحديد: 23]

The wisdom of this recurring sorrow is that it made the believers forget the agony of defeat and the pain of their injuries.

The believers lost the spoils.

The believers were defeated.

The believers were wounded.

The believers were killed.

The believers heard that the messenger of Allaah (may Allaah send salutations upon him) was slain.

The enemy appeared upon the mountain.

The sorrow which Allaah has mentioned is recurring and is the recompense of those who fled from the prophet (may Allaah send salutations upon him) and handed him to the enemy. In addition:

The believers did not respond when called by the prophet (may Allaah send salutations upon him).

The believers disobeyed the prophet (may Allaah send salutations upon him) by leaving their post, and they disagreed and became cowardly.

However, the believers came to realize that they could repent and could offset their bad deeds. In fact, this was the only way they could receive continuous support and achieve success. Thereafter, they were well aware of their mistakes were extremely wary.

The glorified eased their sorrow by making them drowsy, and drowsiness during war is a sign of victory and security. In fact, he has stated that he who does not experience this drowsiness is concerned with his self and not his religion, and he has stated that they have misconceptions concerning him. Some have said that they believed that Allaah would not aid his messenger, and others have said that they believed that he did not decree what transpired. This was a notion of the hypocrites and polytheists, and Allaah has said: **{he will punish the hypocrites and polytheists who do not think well of him. He is angry with them and they will suffer. He has cursed them and has created hell for them, and it is a dreadful destination}** [Al Fath/6].

﴿وَيُعَذِّبُ الْمُنَافِقِينَ وَالْمُنَافِقَاتِ وَالْمُشْرِكِينَ وَالْمُشْرِكَاتِ الظَّالِمَاتِ بِاللَّهِ طَغَى السَّوءَ عَلَيْهِمْ دَائِرَةُ السَّوءِ﴾

وَعُذِّبَ اللَّهُ عَلَيْهِمْ وَلَعَنَهُمْ وَأَعَدَّ لَهُمْ جَهَنَّمَ وَسَاءَتْ مَصِيرًا ﴿٦﴾ [الفتح: 6]

This notion was prevalent before Islaam and does not befit the fine names, noble attributes, and perfect essence of Allaah.

One who thinks that Allaah will not aid his messenger does not think well of Allaah. In fact, he reverses his attributes, because his divinity, wisdom, and supremacy repudiate this notion. As a result, one who is pessimistic in this regard is unfamiliar with the names and attributes of Allaah. This also applies to one who believes that Allaah did not wisely decree what transpired, and Allaah the most high has said: **{this is the notion of those who disbelieve}** [Saad/27].

﴿ذَٰلِكَ ظَنُّ الَّذِينَ كَفَرُوا فَوَيْلٌ لِلَّذِينَ كَفَرُوا مِنَ النَّارِ﴾ [ص: 27]

In reality, most people have ill-conceived notions regarding Allaah, except for those who are familiar with his names and attributes.

If one despairs of being forgiven or believes that Allaah will punish his beloved as he will punish his enemies, he has not thought well of him.

If one believes that Allaah has neglected creation by denying them messengers and books, he has not thought well of him.

If one believes that Allaah will not gather his slaves in an abode where those who do good will be rewarded and those who do wrong will be punished, he has not thought well of him.

If one believes that Allaah will not display to the entire world that his messengers are truthful and that it was their enemies who lied, he has not thought well of him.

If one believes that his good deeds will be of no avail despite his sincerity, he has not thought well of Allaah.

If one believes that he will be punished for an act which he was not all responsible for, he has not thought well of Allaah.

If one believes that Allaah has allowed his enemies to perform miracles like his prophets and messengers, he has not thought well of him.

If one believes that something could exist in the kingdom of Allaah against his will, he has not thought well of him.

If one believes that Allaah is unable to create, than he has not thought well of him.

If one believes that Allaah does not hear, see, and know, he has not thought well of him.

If one believes that Allaah has no will and does not speak, he has not thought well of him.

If one believes that Allaah is high as well as low, he has not thought well of him.

If one believes that Allaah loves infidelity, disobedience, and iniquity as he loves faith, obedience, and righteousness, he has not thought well of him.

If one believes that Allaah is not pleased or angry, he has not thought well of him.

If one believes that Allaah does not have friends and enemies, he has not thought well of him.

If one believes that Allaah does not become close to creation and vice versa, he has not thought well of him.

If one believes that demons are as close to Allaah as angels, he has not thought well of him.

If one believes that Allaah does not differentiate between two opposites

while differentiating between two counterparts, he has not thought well of him.

If one believes that Allaah would invalidate a lifetime of obedience which was sincere and correct due to one major sin, he has not thought well of him. If one believes that Allaah would torture this person in hell for eternity as if he had never believed in him, he has not thought well of him.

In general, if one believes the opposite of his self-description or does not affirm it, he has not thought well of Allaah.

If one believes that Allaah has a son or a partner, he has not thought well of him.

If one believes that a person may intercede without the permission of Allaah, or that he has intermediaries, he has not thought well of him. In fact, this notion is horrendous.

If one believes that paradise can be achieved through disobedience, he has not thought well of Allaah.

If one believes that Allaah will not give him a better replacement when he acts or desists for his sake, he has not thought well of him.

If one believes that Allaah becomes angry or punishes without just cause, he has not thought well of him.

If one believes that Allaah will fail him, he has not thought well of him.

If one believes that Allaah will reward him when he is disobedient, he has thought the opposite of what his wisdom necessitates.

If one believes that an intermediary can spare him punishment, he has not thought well of Allaah, and this will increase his punishment.

If one believes that Allaah allowed the enemies of the messenger of Allaah (may Allaah send salutations upon him) to rule for his entire life and that they oppressed his family after his death, he has not thought well of Allaah. In fact, this notion is horrendous.

Some have said: Allaah was not capable of aiding his beloved, because he cannot control the actions of his slaves.

Most people except for those whom Allaah has excluded do not think well of him, thus they believe that they are entitled to more than what he has given them.

One who is intelligent and conscientious should repent. In reality, it is his soul which he should not think well of, because it is the source of all evil. As for Allaah, none is more equitable or merciful than he, and his name, attributes, and essence are perfect. His actions embody wisdom, welfare, justice, and compassion and his names are the finest.

Allaah has said: **{some were only concerned with themselves, and what they thought of Allaah was untrue}** [Aalu 'Imraan/154].

﴿وَمَا يَفْقَهُ قَدْ أَهَمَّتْهُمْ أَنْفُسُهُمْ يَظُنُّونَ بِاللَّهِ غَيْرَ الْحَقِّ ظَنَّ الْجَاهِلِيَّةِ﴾ [آل عمران: 154]

He then mentioned their ill-conceived notion when he said: **{do we have any say in the matter}** [Aalu 'Imraan/154].

هَلْ لَنَا مِنَ الْأَمْرِ مِنْ شَيْءٍ ﴿١٥٤﴾ [آل عمران: 154]

{If we did have any say, we would not have been slain here} [Aalu 'Imraan/154].

﴿لَوْ كَانَ لَنَا مِنَ الْأَمْرِ شَيْءٌ مَا قُتِلْنَا هَهُنَا﴾ [آل عمران: 154]

More than one scholar has said: their ill-conceived notion was that they believed that they would not have been defeated had the messenger of Allaah (may Allaah send salutations upon him) and his companions listened to them. Consequently, Allaah the magnificent disproved them by saying: **{say: Allaah is in complete control}**.

﴿قُلْ إِنَّ الْأَمْرَ كُلَّهُ لِلَّهِ﴾ [آل عمران: 154]

Nothing transpires which has not been decreed, and none can obstruct the will of Allaah, thus defeat was inevitable.

Chapter

The Benefit Which Can Be Derived From The Battle Of Uhud

The battle of Uhud was a test which increased the faith of the believers while exposing the hypocrites.

The battle of Uhud purified contaminated hearts, though these hearts would have remained as such had they enjoyed perpetual well being. Consequently, the battle of Uhud was like a bitter medicine, thus defeat was as much a blessing as victory.

As for those who fled, they did so due to their sins, because actions are soldiers who side with a believer or his enemy.

Allaah forgave those who fled, because they did not do so out of hypocrisy. Thereafter, he informed them that it was their actions lead to their loss, and he has said: **{when you were afflicted once again, you asked how could this be. Say: you are to blame, and Allaah is completely capable}** [Aalu 'Imraan/165].

﴿أَوَلَمْ أَصْغِبْكُمْ مِصْبَةَ قَدْ أَصَبْتُمْ مَثَلَهَا قُلْتُمْ أَنَّى هَذَا قُلْ هُوَ مِنْ عِنْدِ أَنْفُسِكُمْ إِنَّ اللَّهَ عَلَى كُلِّ شَيْءٍ

قَدِيرٌ ﴿١٦٥﴾ [آل عمران: 165]

In fact, Allaah has said this in chapters which he revealed in Makka: **{you are only afflicted because of your actions, and he is quite forgiving}** [Ash Shoorah/30].

﴿وَمَا أَصَابَكُمْ مِنْ مُصِيبَةٍ فِيمَا كَسَبَتْ أَيْدِيكُمْ وَيَعْفُوا عَنْ كَثِيرٍ﴾ [الشورى: 30]

{If good befalls you, it has come from Allaah. If evil befalls you, it has come from yourselves} [An Nisaa/79].

﴿مَا أَصَابَكَ مِنْ حَسَنَةٍ فَمِنَ اللَّهِ وَمَا أَصَابَكَ مِنْ سَيِّئَةٍ فَمِنْ نَفْسِكَ﴾ [النساء: 79]

The good which has been mentioned is grace and the evil which has been mentioned is affliction. The former is from Allaah and the latter is from man, and the former is grace while the latter is justice.

Allaah concluded by saying: **{Allaah is completely capable}**.

﴿إِنَّ اللَّهَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ﴾ [آل عمران: 165]

After saying: **{say: you are to blame}** to illustrate that he is just and able.

The glorified and most high has said: **{on the day when the two groups met, you were afflicted with the permission of Allaah}** [Aalu 'Imraan/166].

﴿وَمَا أَصَابَكُمْ يَوْمَ الْتَقَى الْجَمْعَانِ فِإِذْنِ اللَّهِ﴾ [آل عمران: 166]

However, this consent is not religious. Similarly, he has said concerning sorcery: **{they harm none without the permission of Allaah}** [Al Baqara'102].

﴿وَمَا هُمْ بِضَارِّينَ بِهِ مِنْ أَحَدٍ إِلَّا بِإِذْنِ اللَّهِ﴾ [البقرة: 102]

Allaah wished that the believers and disbelievers would become distinct, and once the hypocrites revealed themselves, Allaah addressed them. Thereafter, they realized that hypocrisy deprives one of the joy of this world and the next.

This story is replete with wisdom and admonition, and it is a bounty for the believers.

Allaah the glorified and most high consoled his prophet and his beloved when he said: **{never consider dead those who are slain for the sake of Allaah. Rather, they are sustained with their lord. They are delighted with what he has granted them and they rejoice due to those whom they await, and they do not fear nor grieve}** [Aalu 'Imraan/169-170].

﴿وَلَا تَحْسَبَنَّ الَّذِينَ قُتِلُوا فِي سَبِيلِ اللَّهِ أَمْوَاتًا بَلْ أَحْيَاءُ عِنْدَ رَبِّهِمْ يُرْزَقُونَ ﴿١٦٩﴾ فَرِحِينَ بِمَا

ءَاتَاهُمُ اللَّهُ مِنْ فَضْلِهِ وَيَسْتَبْشِرُونَ بِالَّذِينَ لَمْ يَلْحَقُوا بِهِمْ مِنْ خَلْفِهِمْ أَلَّا خَوْفٌ عَلَيْهِمْ

﴿وَلَا هُمْ يَحْزَنُونَ﴾ [آل عمران: 169-170]

Not only did Allaah grant them eternal life, though he placed them in proximity to him and sustained them perpetually. Consequently, they were more than satisfied with what they had received, and he gave them glad tidings of their brethren who would join them which added to their joy.

Allaah reminded the believers of his ultimate favor which overshadowed

every trial which befell them, namely that he sent them a messenger who purified them while teaching them the book and the wisdom. Since he brought them from darkness to light, any trial which could befall a believer thereafter would be minor.

Allaah informed the believers that they themselves were responsible for their defeat so that they would beware, and he informed them that this was decreed lest they fear other than Allaah.

Allaah informed them of the wisdom of their affliction lest they dispute his decree, and also so that they could become acquainted with his names and attributes.

Allaah consoled the believers by informing them that those who were slain were honored and rewarded lest they grieve, and praise belongs to Allaah the magnificent.

Chapter

{those who responded to Allaah and the messenger after being wounded}

Once the battle had ended, the polytheists retreated. Consequently, the believers thought that they were moving toward Al Madeena to capture children and seize wealth, so the prophet (may Allaah send salutations upon him) said to 'Alee Bin Abee Taalib: (follow these people and see what they do, because if they mount their horses and steer their camels, they are headed for Al Madeena). 'Alee said: I followed them, and they proceeded toward Makka.

Once the polytheists had decided to return to Makka, Aboo Sufyaan called the believers saying: your appointment is the annual gathering at Badr. Consequently, the prophet (may Allaah send salutations upon him) said: (say yes). Thereafter, Aboo Sufyaan and his companions departed, and they blamed each other while en route for the companions whom they left alive. Once the messenger of Allaah (may Allaah send salutations upon him) was informed of this, he called the people to meet the enemy, and he said: (only those who have already fought may join us). As a result, he would not allow 'Abdullaah Bin Ubayy to accompany him.

Although the believers were fearful and severely wounded, they answered the call. Jaabir Bin 'Abdillaah sought permission saying: O messenger of Allaah, I wish to accompany you during every battle, so he allowed him to do so. Thereafter, the messenger of Allaah (may Allaah send salutations upon him) and his companions proceeded until reaching Hamraa Al Asad where Ma'bad Bin Abee Ma'bad Al Khuzaa'ee accepted Islaam. As a result, the messenger of Allaah (may Allaah send salutations upon him) commanded him to meet Aboo Sufyaan.

When Ma'bad Bin Abee Ma'bad Al Khuzaa'ee met Aboo Sufyaan at Ar

Rawhaa, he did not know that he was a Muslim, so he asked: what is behind you O Ma'bad? He replied: Muhammad and his companions, and those who did not join him previously are remorseful. He asked: what is your opinion? He replied: I do not feel that you should depart until the army comes from behind this hill. He said: by Allaah, we have united in order to annihilate them. He said: do not do that, so they returned to Makka.

Aboo Sufyaan met some polytheists who intended to travel to Al Madeena, so he said: inform Muhammad that we have united to annihilate him and his companions, and once they were informed of this, they said: **{Allaah suffices us and is the finest}** [Aalu 'Imraan/173-174].

Chapter

Aboo Salama 'Abdul Asad

The battle of Uhud was on Saturday the seventh of Shawwaal year three as has preceded.

The messenger of Allaah (may Allaah send salutations upon him) returned to Al Madeena where he remained for the months of Shawwaal, Dhool Qa'da, Dhool Hijja, and Muharram. Once he was informed that Talha and Salama the sons of Khuwaylid were calling Banoo Asad Bin Khuzayma to fight him, he sent fourth Aboo Salama and 150 men of the ansaar and muhaajiroon.

They obtained livestock, though war did not erupt, so Aboo Salama returned to Al Madeena with the livestock.

Chapter

'Abdullaah Bin Anees

The messenger of Allaah (may Allaah send salutations upon him) was informed on the fifth of Muharram that Khaalid Bin Sufyaan had prepared an army in order to fight him. Consequently, he sent fourth 'Abdullaah Bin Anees who killed him. 'Abdul Mu'min Bin Khalaf has said: he returned with his head, and he instructed upon his death bed that it be placed upon his shroud.

He was away for eighteen nights and returned on the Saturday the twenty-third of Muharram.

People came to him in the month of Safar and mentioned to him that Islaam had reached them, so they asked him to send them people who could teach them. As a result, he sent a group of six people according to Ibn Ishaq. Al Bukhaaree has said: they were ten, and Marthad Bin Abee Marthad was placed in command and was joined by Khabeeb Bin 'Adee.

Once they reached Ar Rajee', they were surrounded by Hudhayl. Most of them were killed and Khabeeb Bin 'Adee was taken prisoner. Aboo Sufyaan asked: would you like to be with your family while we kill Muhammad? He

replied: I would not like to be with my family while he is suffering now.

It has been narrated by Al Bukhaaree that Khabeeb was the first to perform two bowings of prayer before death.

Aboo 'Umar Bin 'Abdil Barr has narrated that Zayd Bin Haaritha performed two bowings of prayer before death, and Hajr Bin 'Adee did so as well when Mu'aawiya decreed his execution.

Khabeeb was crucified and his corpse was guarded, so 'Amr Bin Umayya Ad Damree carried it away during the night and buried it.

Khabeeb was seen eating grapes when there was no produce in Makka. As for Zayd, he was bought by Safwaan Bin Umayya.

Chapter

Bi'r Ma'oona

The battle of Bi'r Ma'oona took place in the month of Safar year four. In summary, Aboo Baraa 'Aamir Bin Maalik came to the messenger of Allaah (may Allaah send salutations upon him) in Al Madeena, though he did not accept Islaam. He said: O messenger of Allaah, if you send your companions to the people of Najd, I hope that they will respond. The messenger of Allaah (may Allaah send salutations upon him) said: (I fear for them). Aboo Baraa 'Aamir Bin Maalik said: I will accompany them, so he sent him fourth with forty people according to Ibn Ishaaq.

It has been narrated in Al Bukhaaree that seventy people departed, and this is correct. Al Mundhir Bin Muhammad was placed in command and was accompanied by eminent companions. They proceeded until settling at Bi'r Ma'oona, and then Haraam Bin Malhaan sent the brother of Umm Sulaym to the enemy of Allaah 'Aamir Bin Tufayl with a letter from the messenger of Allaah (may Allaah send salutations upon him). However, he did not look at it, and he ordered that the brother of Umm Sulaym be killed. As a result, he was stabbed in the back with a spear.

'Aamir Bin Tufayl called upon Banoo 'Aamir to kill the remaining companions, though they did not respond since Aboo Baraa was their neighbor. He then called upon Banoo Sulaym who killed all of the companions except for Ka'b Bin Zayd Bin An Najjaar who lived until the day of Khandaq.

'Amr Bin Umayya Ad Damree and Al Mundhir Bin 'Uqba Bin 'Aamir saw a bird hovering nearby, so Al Mundhir Bin Muhammad and his companions came forth and engaged in combat, and 'Amr Bin Umayya was taken prisoner. However, once he informed 'Aamir Bin Tufayl that he was from Mudirr, he emancipated him.

As 'Amr Bin Umayya sat in the shade, two men joined him. Once they fell asleep, 'Amr Bin Umayya attacked them believing that he was avenging the deaths of his companions. However, he did not know that they had

agreed to a peace treaty with the messenger of Allaah (may Allaah send salutations upon him).

Chapter

Banoo An Nadeer

The messenger of Allaah (may Allaah send salutations upon him) went to Banoo An Nadeer to discuss the bloodwit of the men whom were killed by 'Amr Bin Umayya, because he and Banoo An Nadeer had agreed to a peace treaty. He, Aboo Bakr, 'Umar, 'Alee, and a group of his companions gathered with the Jews for a meeting. They asked: who will kill Muhammad by dropping this mill upon him? As a result, 'Amr Bin Jahaash (may Allaah curse him) came forth, though Jibreel descended from heaven upon the messenger of Allaah (may Allaah send salutations upon him) to inform him of their plot. Consequently, he immediately returned to Al Madeena to prepare for combat.

He confined them for six nights while Ibn Umm Maktoom was in command of Al Madeena, and this was during the month of Rabee' Al Awwal.

Ibn Hazm has said: intoxicants were forbidden at this time, and the Jews were allowed to leave with whatever their camels could carry, with the exception of weapons.

Eminent members of Banoo An Nadeer such as Yahya Bin Akhtab and Salaam Bin Abee Al Haqeeq moved to Khaybar, and others went to Syria. However, only two of them accepted Islaam, namely Yameen Bin 'Amr and Aboo Sa'd Bin Wahb, so they preserved their wealth. Whereas, the messenger of Allaah (may Allaah send salutations upon him) divided the wealth of the Jews amongst the first migrants in particular, because it was not obtained with the aid of a cavalry. However, he did give to Aboo Dujaana and Sahl Bin Haneef since they were needy.

Al Hashr was revealed during this battle, though Muhammad Bin Shihaab Az Zuhree has claimed that the battle of Banoo An Nadeer took place six months after the battle of Badr, though he was mistaken. In fact, it is undoubtable that this battle took place after the battle of Uhud. Rather, it was the battles of Banoo Qaynaqaa', Al Khandaq, Banoo Quraydha, Al Hudaybiyya, and Khaybar which took place six months after the Battle of Badr.

The messenger of Allaah (may Allaah send salutations upon him) engaged in four battles with the Jews, namely: the battle of Banoo Qaynaqaa' which followed the battle of Badr, the battle of Banoo An Nadeer which followed the battle of Uhud, the battle of Banoo Quraydha which followed Al Khandaq, and Khaybar which followed Al Hudaybiyya.

Chapter

The messenger of Allaah (may Allaah send salutations upon him) supplicated for an entire month against those who had killed the reciters of the Qur'aan, and he did so after bowing during prayer. However, he ceased to continue once the people of Bi'r Ma'oonah accepted Islaam and repented.

Chapter

Dhaat Ar Raqaa'

The messenger of Allaah (may Allaah send salutations upon him) participated in the battle of Ar Raqaa' which was the battle of Najd. He went fourth during the month of Jumaada Al Uwla in the fourth year, and it has been said that he did so during the month of Muharram. He placed Aboo Dharr Al Ghifaree in command of Al Madeena, and it has been said that he placed 'Uthmaan Bin 'Affaan in command of Al Madeena. He went fourth with 400 of his companions, and it has been said that he went fourth with 700 of his companions.

He met a group, though war did not erupt. However, he did lead the prayer of fear that day according to Ibn Ishaq and a group of historians, though this is problematic since the polytheists prevented him from performing the late afternoon prayer until sunset.

It has been narrated in the Sunan, the Musnad of Ahmad, and the Musnad of Ash Shaafi'ee that the polytheists prevented the messenger of Allaah (may Allaah send salutations upon him) from performing the afternoon, late afternoon, sunset, and night prayers on the day of Al Khandaq. This was before the prayer of fear was introduced, and the battle of Al Khandaq took place after the battle of Dhaat Ar Raqaa' during the fifth year.

It seems that the prophet (may Allaah send salutations upon him) performed the prayer of fear for the first time in 'Asfaan, and Aboo 'Iyaash Az Zarqa has said: the prophet (may Allaah send salutations upon him) lead the afternoon prayer in 'Asfaan, and Khaalid Bin Al Waleed was the commander of the polytheists at the time. They said: they are heedless, and they have a forthcoming prayer which is dearer to them than their children and wealth. As a result, the prayer of fear was introduced between the afternoon and late afternoon prayers, so when he lead the late afternoon prayer, we divided into two groups. Narrated by Ahmad, Aboo Daawud, and An Nasaa'ee.

Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) confined the polytheists of 'Asfaan, so they said: they have a forthcoming prayer which is dearer to them than their children and wealth, so Jibreel commanded him to divide his companions in half. At Tirmidhee has said: an authentic (hasan saheeh) prophetic tradition.

None disagree that the battle of 'Asfaan took place after the battle of Al Khandaq, and he performed the prayer of fear at Dhaat Ar Raqaa'. Consequently, the battle of Dhaat Ar Raqaa' was after the battle of Al Khandaq and the battle of 'Asfaan. In fact, Aboo Hurayra and Aboo Moosa Al Asha'ree participated in the battle of Dhaat Ar Raqaa' as Aboo Moosa has narrated in Saheeh Al Bukhaaree and Saheeh Muslim.

Mirwaan Bin Al Hakam asked Aboo Hurayra if he performed the prayer of fear with the messenger of Allaah (may Allaah send salutations upon him) , and he replied: yes. He asked him: when? As a result, he replied: during the year of the battle of Najd.

This indicates that the battle of Dhaat Ar Raqaa' followed the battle of Khaybar, and that those who say that it preceded the battle of Al Khandaq are clearly mistaken. Those who do not realize this claim that the battle of Dhaat Ar Raqaa' took place before and after the battle of Al Khandaq, and divergent narrations lead them to believe that an incident has taken place more than once.

Jaabir has said: we reached Dhaat Ar Raqaa' with the messenger of Allaah (may Allaah send salutations upon him) where he sat beneath a shady tree. Thereafter, a man took his sword which hung from the tree and unsheathed it. Jaabir also said: he lead one group in a prayer of two bowings and lead another group in a prayer of two bowings. As a result, the messenger of Allaah (may Allaah send salutations upon him) performed four bowings of prayer while those with him performed two bowings of prayer. Narrated by Muslim.

This also indicates that the battle of Dhaat Ar Raqaa' followed the battle of Al Khandaq, and since the prayer of fear followed the battle of Al Khandaq, this indicates that Dhaat Ar Raqaa' followed the battle of 'Asfaan, and Allaah knows best.

It has been mentioned that Jaabir sold his camel to the prophet (may Allaah send salutations upon him) during the battle of Dhaat Ar Raqaa', and it has been said that he did so while returning from Tabook, and Allaah knows best.

The believers captured a disbelieving woman while returning from Dhaat Ar Raqaa', so her husband vowed that he would not return until shedding the blood of the companions of Muhammad (may Allaah send salutations upon him). He then found 'Abbaad Bin Bishr in prayer, so he shot him with an arrow which he removed, though his prayer remained valid. He then shot him three more times, though he completed his prayer. Thereafter, his companion said: glory be to Allaah! Why did not you alert me? He replied: I was reciting a chapter that I wished to complete.

Moosa Bin 'Uqba has said: it is not known whether this battle took place before or after the battle of Badr, or if it took place in between the battle of

Badr and Uhud, or if it took place after the battle of Uhud.

He was quite mistaken when he said that this battle could have taken place before the battle of Badr, because this is clearly impossible. He was also mistaken when he said that it could have taken place before the battle of Uhud and the battle of Al Khandaq.

Chapter

The Final Battle Of Badr

It has preceded that Aboo Sufyaan said before leaving Uhud: your appointment is the annual gathering at Badr next year. Consequently, when Sha'baan arrived the following year, and some say Dhool Qa'da, the messenger of Allaah (may Allaah send salutations upon him) proceeded while joined by 1500 men. 'Alee Bin Abee Taalib carried his banner and 'Abdullaah Bin Rawaaha was placed in command of Al Madeena.

He reached Badr where he resided for eight days awaiting the polytheists, and Aboo Sufyaan departed Makka while joined by 2000 men. However, Aboo Sufyaan said while en route: this is a year of drought, thus I believe that we should return, and they did. As a result, this has been called the second Badr.

Chapter

Dooma Al Jandal

As for Dawma Al Jandal, it is not the same place as Dooma Al Jandal.

The messenger of Allaah (may Allaah send salutations upon him) proceeded to Dooma Al Jandal in the month of Rabee' Al Awwal year five, because he was informed that a large group of people from there were coming to Al Madeena.

A journey from Al Madeena to Dooma Al Jandal took fifteen nights, and a journey from Dooma Al Jandal to Damascus took five nights.

Sabaa' Bin 'Arfata Al Ghifaaree was placed in command of Al Madeena, and the messenger of Allaah (may Allaah send salutations upon him) was joined by 1000 men including a guide from Banoo 'Udhra named Madhkoor.

Since the army did not find anyone, the messenger of Allaah (may Allaah send salutations upon him) returned to Al Madeena.

Chapter

Al Mareesee'

This battle took place in the month of Sha'baan year five after Al Haarith Bin Abee Diraar and his allies intended to fight the messenger of Allaah (may Allaah send salutations upon him). Burayda Bin Al Haseeb Al Aslamee spoke to him and returned to the messenger of Allaah (may Allaah

send salutations upon him). As a result, the people departed without delay, though they were joined by hypocrites who had never participated in battle.

Zayd Bin Haaritha was placed in command of Al Madeena, though some have said that Aboo Dharr was placed in command of Al Madeena, and others have said that Numayla Bin 'Abdillaah Al Laythee was placed in command of Al Madeena.

The messenger of Allaah (may Allaah send salutations upon him) departed on Monday the second of Sha'baan, and Al Haarith Bin Abee Diraar and those amongst him were aware that he was en route and had killed the spy whom Al Haarith Bin Diraar had sent. Consequently, they were terrified and their allies deserted them.

When the messenger of Allaah (may Allaah send salutations upon him) reached Al Mareesee', he prepared the companions for battle. Meanwhile, Aboo Bakr As Siddeeq held the flag of the muhaajiroon and Sa'd Bin 'Ubaada held the flag of the ansaar.

The polytheists were defeated and the messenger of Allaah (may Allaah send salutations upon him) took prisoners and spoils. However, only one believer was killed according to 'Abdul Mu'min Bin Khalaf and others, though they are mistaken. Rather, war did not erupt and prisoners and spoils were taken as is stated in Saheeh Al Bukhaaree.

Juwayriyya Bint Al Haarith was taken prisoner and enslaved by Thaabit Bin Qays. Thereafter, she was emancipated by the messenger of Allaah (may Allaah send salutations upon him) who married her. Consequently, the believers emancipated 100 of his relatives who belonged to the tribe of Banoo Mustaliq and had accepted Islaam.

Ibn Sa'd has said: 'Aa'isha lost her necklace during this battle and the companions searched for it, thus the verse of tayammum was revealed.

Chapter

The Lie

'Aa'isha accompanied the messenger of Allaah (may Allaah send salutations upon him) during this battle after winning a lottery. While returning from battle, they made a few stops. As a result, 'Aa'isha went to answer a call of nature where she lost a necklace which she borrowed from her sister, so she began to search for it.

The group which was transporting her did not realize that she was absent due to her light weight. Nevertheless, she found the necklace and returned, and she fell asleep while awaiting the group. Thereafter, she was awoken by Safwaan who returned with her.

The vile enemy of Allaah Ibn Ubayy and his companions began to spread slander throughout Al Madeena. However, the messenger of Allaah (may Allaah send salutations upon him) remained silent. Thereafter, he consulted

his companions, and 'Alee advised him to divorce 'Aa'isha while Usaama advised him not to divorce her and to ignore his enemies.

'Alee advised the messenger of Allaah (may Allaah send salutations upon him) to divorce 'Aa'isha to avoid uncertainty and end the rumor which had caused him grief. Whereas, Usaama advised him otherwise since he loved 'Aa'isha and her father. In addition, Usaama knew that she was chaste, and he knew the proximity of the prophet (may Allaah send salutations upon him) to his lord. Consequently, he realized that Allaah would not allow 'Aa'isha to fall from grace.

Those who were well acquainted with Allaah and his messenger said what Ayyoob said, namely: **{glory belongs to you, this is a horrendous lie}** [An Noor/16].

﴿سُبْحَانَكَ هَذَا بُهْتَنٌ عَظِيمٌ﴾ [النور: 16]

Consider how they glorified Allaah lest someone claim that he allowed his beloved messenger to marry an unchaste woman.

Those who were acquainted with Allaah and his messenger knew that an unchaste woman only befits an unchaste man, and Allaah has said: **{the unchaste befit the unchaste}** [An Noor/26].

﴿الزَّانِيَةُ وَالزَّانِي يُصِيبُكَ لِلْحَيَيْنِ﴾ [النور: 26]

As a result, they were certain that the rumor was a horrendous lie.

One may ask: why did the messenger of Allaah (may Allaah send salutations upon him) consult his companions in this regard when none was more acquainted with Allaah than he, and why did not he recite the following verse like the companions did: **{glory belongs to you, this is a horrendous lie}**?

﴿سُبْحَانَكَ هَذَا بُهْتَنٌ عَظِيمٌ﴾ [النور: 16]

This incident was a test which necessitated that revelation be withheld for a month so that the wisdom of Allaah would manifest. Thereafter, the believers became more faithful and the hypocrites became more dishonest and were exposed.

'Aa'isha was slandered in an attempt to harm the messenger of Allaah (may Allaah send salutations upon him), thus it was not appropriate that he defend her. However, he never thought badly of her. As a result, when he sought an apology, he said: who will apologize on behalf of the one who has harmed me? By Allaah, I know nothing but good about my wife, and I know nothing but good about the man who was mentioned, and I was always with them.

Evidently, he was more capable of defending his wife than the believers. However, he remained patient and optimistic until receiving revelation.

Once ‘Aa’isha was proven innocent, the messenger of Allaah (may Allaah send salutations upon him) ordered that those guilty of slander receive eighty lashes. However, he did not punish the vile ‘Abdullaah Bin Ubayy, although he was primarily responsible, because punishment is an expiation which he did not deserve. In addition, Allaah promised him severe punishment in the afterlife. It has also been said that he was not punished since there was no confession or testimony.

Some have said that this punishment is a human right which must be demanded, though it was not in this case.

Although ‘Abdullaah Bin Ubayy deserved death in actuality, he was pardoned in hopes that his people would accept Islaam, and this was more beneficial than punishment. In fact, his punishment could have resulted in strife since he was a leader. However, Hassaan Bin Thaabit and other believers were flogged as a purification.

Chapter

The Perseverance Of ‘Aa’isha

‘Aa’isha was told by her parents to stand before the messenger of Allaah (may Allaah send salutations upon him) , though she said: by Allaah, I will not stand before him nor will I praise anyone except Allaah. If one considers this, he will realize that she was acquainted with Allaah and that her faith was strong. He will also realize that she did not perform an act which would demand reconciliation.

Chapter

An Account Of The Lie

The prophet (may Allaah send salutations upon him) asked: (who will apologize on behalf of the one who has harmed me) ? Consequently, Sa’d Bin Mu’aadh stood and said: I will do so O messenger of Allaah. However, this has caused a dilemma for many scholars, because all agree that Sa’d Bin Mu’aadh died shortly after the battle of Al Khandaq during the fifth year. Whereas, the lie was told during the battle of Mareesee’ which took place during the sixth year.

People have offered various responses to this dilemma, and Al Bukhaaree has narrated that Moosa Bin ‘Uqba has said: the battle of Al Mareesee’ took place before the battle of Al Khandaq during the fourth year. Al Waaqidee has said: the battle of Al Mareesee’ took place during the fifth year before the battle of Al Khandaq and the battle of Quraydha. Al Qaadee Ismaa’eel Bin Ishaq has said: it is most likely that the battle of Al Mareesee’ took place before the battle of Al Khandaq.

‘Aa’isha has said that the lie was told after the verse of hijab was revealed concerning Zaynab Bint Jahsh, and historians have mentioned that

the prophet (may Allaah send salutations upon him) married her in the month of Dhool Qa'da during the fifth year. Based upon this, Moosa Bin 'Uqba was mistaken. Muhammad Bin Ishaq has said: the battle of Banoo Mustaliq took place during the sixth year after the battle of Al Khandaq. He has also said: Usayd Bin Al Hadeer stood and said: I will apologize on his behalf, and Sa'd Bin 'Ubaada responded. However, he did not mention Sa'd Bin Mu'aadh. Aboo Muhammad Bin Hazm has said: this is undoubtedly correct, because Sa'd Bin Mu'aadh died shortly after the conquest of Banoo Quraydha which took place in the month of Dhool Qa'da during the fourth year. Whereas, the battle of Banoo Al Mustaliq took place in the month of Sha'baan during the sixth year eighteen months after the death of Sa'd. As for the battle of Al Khandaq, it actually took place during the fifth year, and this will be discussed.

Chapter

An Investigation Into The Various Narrations Of The Story Of The Lie

Al Bukhaaree has narrated that Masrooq has said: I asked Umm Roomaan about the story of the lie and she said...However, more than one person has said: this is a clear mistake, because Umm Roomaan died during the life of the messenger of Allaah (may Allaah send salutations upon him), and he looked into her grave and said: (whoever wishes to see a woman of paradise should look at her). It has been said that Masrooq would have met the messenger of Allaah (may Allaah send salutations upon him) has he asked Umm Roomaan about the story of the lie. Rather, he came to Al Madeena after his death. It has also been said that he narrated a statement of Umm Roomaan which he did not hear from her, though narrators were unaware of this. As a result, they thought that he heard her account of the story of the lie. They have said: Masrooq most likely said: Umm Roomaan was asked..., because some people write the hamza with an alif. Others have said: none of this invalidates the authentic narration which Al Bukhaaree has included in his collection. Ibraaheem Al Harbee and others have said: Masrooq questioned Umm Rooman when he was fifteen years of age, and he was seventy-eight years of age when she died, and she was the oldest person he had heard from. They have said: as for the narration which states that the messenger of Allaah (may Allaah send salutations upon him) looked into her grave, it has two flaws, namely 'Alee Bin Zayd Bin Jad'aan is a weak narrator, and he has heard this narration from Al Qaasim Bin Muhammad who did not live during the time of the messenger of Allaah (may Allaah send salutations upon him). They have said: how could this narration be chosen instead of the narration of Al Bukhaaree? Masrooq has said: I asked Umm Roomaan and she said..., thus he could not have said:

Umm Roomaan was asked. Aboo Na'eem has said in the book *Ma'rifa As Sahaaba*: it has been said that Umm Roomaan died during the life of the messenger of Allaah (may Allaah send salutations upon him) , though this is incorrect.

Chapter

It has been narrated that 'Alee said to the prophet (may Allaah send salutations upon him) when he consulted him: ask this slave and she will tell you the truth. As a result, he asked Burayra about 'Aa'isha and she replied: I only know about her what a jeweler knows about unrefined gold. However, this is problematic since she was emancipated long after this. In addition, Al 'Abbaas was in Al Madeena at the time, and he arrived after the conquest. Consequently, when the prophet (may Allaah send salutations upon him) asked Burayra to unite with her husband and she refused, he asked him: (O 'Abbaas, is it not strange that she loves and hates Mugheeth) ?

Burayra was not with 'Aa'isha in the story of the lie. In addition, 'Alee did not say: ask Burayra, but rather he said: ask the slave and she will tell you the truth. As a result, some narrators thought that she was Burayra.

Chapter

What Allaah Revealed Concerning The Chief Hypocrite

Ibn Ubayy the chief hypocrite said while returning to Al Madeena: if we return to Al Madeena, the lowly shall banish the noble. Consequently, Zayd Bin Arqam informed the messenger of Allaah (may Allaah send salutations upon him). Thereafter, Ibn Ubayy swore that he did not say this. However, the messenger of Allaah (may Allaah send salutations upon him) remained silent, though Allaah supported Zayd in Al Munaafiqoon. As a result, the prophet (may Allaah send salutations upon him) took him by his ear and said: (rejoice, because Allaah has supported you) , and 'Umar said: O messenger of Allaah (may Allaah send salutations upon him) : order 'Abbaad Bin Bishr to kill him. However, he asked: (but what if people say that Muhammad kills his companions)

Chapter

Al Khandaq

The battle of Al Khandaq took place in the month of Shawwaal during the fifth year according to the most reliable account. Whereas, all agree that the battle of Uhud took place in the month of Shawwaal during the third year.

The polytheists promised to meet the messenger of Allaah (may Allaah send salutations upon him) the following year, though they broke their promise due to the drought. However, they returned the following year to

fight him as historians have said.

However, Moosa Bin 'Uqba has said: rather, the battle of Al Khandaq took place during the fourth year. Aboo Muhammad Ibn Hazm has said: this is undoubtedly correct, and when Ibn 'Umar was denied permission to fight on the day of Uhud, he was fourteen years of age. However, when he participated in the battle of Al Khandaq, he was fifteen years of age.

Ibn Hazm has said: consequently, there was only one year between the battle of Uhud and the battle of Al Khandaq.

I respond as follows: it is probable that Ibn 'Umar had just turned fourteen on the day of Uhud and that he was about to turn sixteen on the day of Al Khandaq.

Chapter

Al Khandaq In Detail

The polytheists had defeated the believers on the day of Uhud and Aboo Sufyaan had agreed to war when the Jewish elite encouraged the Quraysh to fight the messenger of Allaah (may Allaah send salutations upon him).

The Quraysh agreed to fight, and the Jews proceeded to Ghatfaan where they sought support, and they received it. Thereafter, they sought support from Arab tribes, and they received it.

Aboo Sufyaan and 10, 000 disbelievers reached Al Khandaq. As a result, the messenger of Allaah (may Allaah send salutations upon him) consulted the companions. Salmaan Al Faarisee advised him to dig a trench between Al Madeena and the enemy, and he and the believers began digging without delay. In fact, the signs of his prophethood became manifest in the process.

The believers were in front of a mountain while the trench was between them and the disbelievers.

The messenger of Allaah (may Allaah send salutations upon him) was joined by 3000 believers, and they fortified themselves between the mountain and the trench.

He placed Ibn Umm Maktoom in command of Al Madeena.

Hayy Bin Akhtab went to Banoo Quraydha and approached their fortress, though Ka'b Bin Asad denied him entry. As a result, he spoke to him until he conceded. Thereafter, he said: I have arrived with the Quraysh, Ghatfaan, and Asad so that Muhammad may be fought.

The messenger of Allaah (may Allaah send salutations upon him) was informed that Banoo Quraydha had breached their agreement, so he sent 'Abdullaah Bin Rawaaha and others to investigate. Once they arrived, Banoo Quraydha abused them and degraded the messenger of Allaah (may Allaah send salutations upon him) , so they departed. As a result, it was evident that they had breached their agreement.

When Banoo Haaritha sought the permission of the messenger of Allaah

(may Allaah send salutations upon him) to go to Al Madeena, they said: **{our homes are vulnerable, though they were not. They merely wished to flee}** [Al Ahzaab/13].

﴿إِنْ يَبْتَغُوا عَوْرَةَ وَمَا هِيَ بِعَوْرَةٍ إِنْ يُرِيدُونَ إِلَّا فِرَارًا﴾ [الأحزاب: 13]

Banoo Salama began to waver, though Allaah strengthened both factions.

The polytheists confined the messenger of Allaah (may Allaah send salutations upon him) for a month, though war did not erupt due to the trench. However, some horsemen of the Quraysh approached the trench and said: this strategy is unknown to the Arabs. However, they traversed the trench reaching a marsh.

‘Alee killed ‘Amr Bin ‘Abdi Wudd with the help of Allaah, and he was a hero amongst the polytheists.

The messenger of Allaah (may Allaah send salutations upon him) considered offering ‘Uyayna Bin Hisn and Ibn ‘Awf who were leaders of Ghatfaan one third of the produce of Al Madeena as an act of reconciliation, because the Arabs had united against the believers.

A man named Na’eem Bin Mas’ood Bin ‘Aamir from Ghatfaan came to the messenger of Allaah (may Allaah send salutations upon him) and said: O messenger of Allaah, I have accepted Islaam, so order me as you please. As a result, the messenger of Allaah (may Allaah send salutations upon him) said: (infiltrate, because war is deception). Consequently, he went to Banoo Quraydha without delay, and he was a member of their tribe before Islaam. He told them not to fight with the Quraysh without receiving collateral, and they agreed. He then said to the Quraysh: the Jews regret that they have breached their agreement with Muhammad and his companions. They have informed him that they will receive collateral from you which they will give to him, so if they ask you for it, do not give it to them. He then went to Ghatfaan and said the same thing.

The Quraysh informed the Jews that they should unite against the prophet (may Allaah send salutations upon him). However, they said that they could not violate the Sabbath and would not fight without receiving collateral. Thereafter, the Quraysh said: by Allaah, you are truthful Na’eem, and they informed the Jews that they would not send anyone to them. As a result, Banoo Quraydha said: by Allaah, you are truthful Na’eem.

Allaah sent a wind which devastated the polytheists, and they were shaken by the angels who terrified them.

When the messenger of Allaah (may Allaah send salutations upon him) sent Hudhayfa Bin Al Yamaan to gather information, the polytheists were preparing to leave, and they achieved nothing. Consequently, Allaah remained true to his word.

The messenger of Allaah (may Allaah send salutations upon him)

returned to Al Madeena and layed down his weapons. Thereafter, Jibreel came to the home of Umm Salama where he was bathing and said: have you layed down your weapons? !The angels have not layed down their weapons, return to war. As a result, the messenger of Allaah (may Allaah send salutations upon him) said: (whoever is obedient must not perform the late afternoon prayer before reaching Banoo Quraydha). Thereafter, the believers departed without delay.

Approximately ten people were martyred on the day of Al Khandaq and the day of Quraydha.

Chapter

The Murder Of Aboo Raafi' 'Abdullaah Bin Haqeeq

Aboo Raafi' united the allies against the messenger of Allaah (may Allaah send salutations upon him) as has preceded. However, he did not die amongst Banoo Quraydha like his companion Hayy Bin Akhtab.

Al Aws and Al Khazraj sought the permission of the messenger of Allaah (may Allaah send salutations upon him) to kill Aboo Raafi', and it was granted. As a result, the men of Aboo Salama came fourth, namely:

'Abdullaah Bin 'Ateek

'Abdullaah Bin Anees

Aboo Qataada Al Haarith Bin Rib'ee

Mas'ood Bin Sinaan

Khuzaa'ee Bin Aswad

They proceeded until finding him at Khaybar where they killed him that night. Thereafter, they returned to the messenger of Allaah (may Allaah send salutations upon him) all claiming to have murdered him, so he said: (show me your swords). Once he saw the sword of 'Abdullaah Bin Anees, he said: (he is the one who killed him).

Chapter

Banoo Lahyaan

The messenger of Allaah (may Allaah send salutations upon him) went to Banoo Lahyaan six months after the battle of Banoo Quraydha and was joined by 200 men. He placed Ibn Umm Maktoom in command of Al Madeena and proceeded swiftly. While en route, he supplicated in a valley for the martyrs who were slain there.

Banoo Lahyaan fled to the mountains and they all escaped. Consequently, the army remained for two days, though Banoo Lahyaan did not surface. Thereafter, they proceeded to 'Asfaan where the messenger of Allaah (may Allaah send salutations upon him) dispatched a ten man cavalry, he then returned to Al Madeena.

Chapter

The messenger of Allaah (may Allaah send salutations upon him) sent a cavalry toward Najd which seized Thumaama Bin Athaal Al Hanafee who was an eminent member of the tribe of Banoo Haneefa. The messenger of Allaah (may Allaah send salutations upon him) tied him to a pillar of the masjid and he said: O Muhammad, if you are lenient, I will be grateful. If you desire wealth, ask and you shall receive.

Thumaama repeated himself until the messenger of Allaah (may Allaah send salutations upon him) said: (untie Thumaama). Thereafter, he left the masjid in order to bathe, and the messenger of Allaah (may Allaah send salutations upon him) came to him and he accepted Islaam. He said: by Allaah, there was not one person upon the face of the earth whom I hated more than you, and now none is dearer to me than you. By Allaah, there was not a religion upon the face of the earth which I hated more than Islaam, and now no religion is dearer to me than Islaam. When the cavalry captured me, I had intended to perform 'umra. As a result, the messenger of Allaah (may Allaah send salutations upon him) gave him glad tidings and ordered him to perform 'umra.

Thumaama said: by Allaah, not even a wheat seed will be sent from Al Yamaama without the permission of the messenger of Allaah (may Allaah send salutations upon him). Thereafter, he imposed an embargo. Consequently, the Quraysh sent a letter to the messenger of Allaah (may Allaah send salutations upon him) seeking his intervention, so he wrote to Thumaama commanding him to lift the embargo.

Chapter

'Ukaasha Bin Muhsin Al Asadee

Al Waaqidee has said: the messenger of Allaah (may Allaah send salutations upon him) sent 'Ukaasha Bin Muhsin Al Asadee to Al Ghamr in the month of Rabee' Al Awwal during the sixth year, and he was joined by forty men including Sibaa' Bin Wahb and Thaabit Bin Aqram.

The believers returned to Al Madeena with 200 camels.

He sent the army of Aboo 'Ubayda Bin Al Jarraah to Dhool Qissa, and they proceeded on foot reaching Dhool Qissa in the morning. Thereafter, they attacked and Dhool Qissa fled to the mountains. However, one man was captured and he accepted Islaam.

Chapter

Muhammad Bin Muslima

Muhammad Bin Muslima was sent to Dhool Qissa in the month of Rabee' Al Awwal while joined by ten people.

The companions of Muhammad Bin Muslima were killed and

Muhammad Bin Muslima was wounded and escaped.

Chapter

Zayd Bin Haaritha

Zayd Bin Haaritha was sent to Banoo Saleem during the sixth year, and he captured a woman named Haleema who brought them to Banoo Saleem. Thereafter, they took spoils and prisoners, including the husband of Haleema. As a result, once Zayd Bin Haaritha returned with the spoils, the messenger of Allaah (may Allaah send salutations upon him) allowed Haleema and her husband to reunite.

Chapter

Zayd Bin Haaritha

Zayd Bin Haaritha was sent to Banoo Tha'laba in the month of Jumaada Al Uwla while joined by fifteen men. The Arabs fled fearing that the messenger of Allaah (may Allaah send salutations upon him) was present, and twenty camels were taken.

Chapter

Zayd Bin Haaritha

Zayd Bin Haaritha was sent to Al 'Ays in the month of Jumaada Al Uwla, and wealth belonging to the Quraysh was taken from Aboo Al 'Aas Bin Ar Rabee' the husband of Zaynab was he returned from Syria.

Ibn Ishaq has said: 'Abdullaah Bin Muhammad Bin Hazm has said to me: Aboo Al 'Aas Bin Ar Rabee' traveled to Syria as a merchant. As he returned with merchandise belonging to the Quraysh, he was met by the army of the messenger of Allaah (may Allaah send salutations upon him) and he fled. Thereafter, the believers returned to the messenger of Allaah (may Allaah send salutations upon him) and he divided the spoils amongst them.

Aboo Al 'Aas Bin Ar Rabee' came to Al Madeena and asked Zaynab to ask the messenger of Allaah (may Allaah send salutations upon him) to return the wealth which was taken from him. Consequently, the messenger of Allaah (may Allaah send salutations upon him) called the army and said: (this man is one of us, and you took wealth which belonged to him and others. However, Allaah has granted it to you, so if you wish to return it, then do so. Otherwise, you may keep it). They said: rather, we will return it to him O messenger of Allaah.

Once Aboo Al 'Aas reached Makka, he gave the people their belongings. In fact, he asked: is there anyone whose wealth I have not returned? They replied: no, and may Allaah reward you. We have found you to be trustworthy. He said: I would have accepted Islaam, though I feared that you would believe that I did so in order to take your wealth. I declare that there

is not deity worthy of worship except Allaah and that Muhammad is his slave and messenger.

What Al Waaqidee and Ibn Ishaq have said indicates that the story of Aboo Al 'Aas took place before the battle of Al Hudaibiyya. However, Moosa Bin 'Uqba has claimed that this story took place after reconciliation, and that it was Aboo Baseer and his companions who took the wealth, though he has said that they were not ordered to do so.

Moosa Bin 'Uqba and Ibn Shihaab have narrated the following: Aboo Jandal, Aboo Baseer, and their companions remained there until Aboo Al 'Aas Bin Ar Rabee' arrived, and Zaynab the daughter of the messenger of Allaah (may Allaah send salutations upon him) was amongst the Quraysh. Thereafter, they were taken prisoner and their belongings were seized. However, none of them were killed since Aboo Al 'Aas was a relative of the messenger of Allaah (may Allaah send salutations upon him). He was also a polytheist at the time and the nephew of Khadeeja Bint Khuwaylid.

Aboo Al 'Aas came to Al Madeena and told Zaynab about his companions who were taken prisoner and the wealth which they had lost. As a result, she spoke to the messenger of Allaah (may Allaah send salutations upon him), thus people have claimed that he delivered the following sermon: (we have found Aboo Al 'Aas to be a fine relative. As he and his companions of Quraysh were returning from Syria, they were taken prisoner by Aboo Jandal and Aboo Baseer, and their belongings were taken. However, no one was killed. Zaynab the daughter of the messenger of Allaah has sought my aid, so will you aid Aboo Al 'Aas and his companions)?

People have said: once Aboo Jandal and his companions were informed of the statement of the messenger of Allaah (may Allaah send salutations upon him), they returned everything which they had taken from them. The messenger of Allaah (may Allaah send salutations upon him) also wrote to Aboo Jandal and Aboo Baseer demanding their arrival, and he commanded the believers to return home without approaching the Quraysh or their property.

Aboo Baseer received the letter of the messenger of Allaah (may Allaah send salutations upon him) upon his death bed, and it was upon his chest when he died. As for Aboo Jandal, he came to the messenger of Allaah (may Allaah send salutations upon him) and the Quraysh were safe...

The statement of Moosa Bin 'Uqba is more accurate, and Aboo Al 'Aas actually accepted Islaam during the reconciliation period when the Quraysh traveled to Syria.

Al Waaqidee has said: Caesar awarded Duhya Bin Khaleefa Al Kalbee wealth and fine fabric. When Duhya Bin Khaleefa reached Husma, he was robbed. As a result, he informed the messenger of Allaah (may Allaah send

salutations upon him) , so he sent Zayd Bin Haaritha to Husma.

This was undoubtedly after the battle of Al Hdaybiyya.

Chapter

'Alee Bin Abee Taalib

Al Waaqidee has said: 'Alee went to a neighborhood of Banoo Sa'd Bin Bakr while joined by 100 people, because the messenger of Allaah (may Allaah send salutations upon him) was informed that there were people there who intended to aid the Jews of Khaybar. Consequently, he traveled by night and hid by day, and he learned while en route that Banoo Sa'd Bin Bakr offered to assist the Jews of Al Khaybar in return for produce.

Chapter

'Abdur Rahmaan Bin 'Awf

'Abdur Rahmaan Bin 'Awf was sent to Dooma Al Jandal in the month of Sha'baan, and the messenger of Allaah (may Allaah send salutations upon him) said to him: (if they obey you, marry the daughter of their king). Once the people accepted Islaam, 'Abdur Rahmaan Bin 'Awf married Umm Abee Salama.

Chapter

Karaz Bin Jaabir Al Fihree

Karaz Bin Jaabir Al Fihree was sent to Al 'Amayayn who killed the herder of the prophet (may Allaah send salutations upon him) and stole his camels. This was in the month of Shawwaal during the sixth year, and the army consisted of twenty horsemen.

Chapter

Al Hdaybiyya

Naafi' has said: the battle of Al Hdaybiyya took place in the month of Dhool Qa'da during the sixth year, and this is correct. Az Zuhree, Qataada, Moosa Bin 'Uqba, Muhammad Bin Ishaaq and others have also said this.

Hishaam Bin 'Urwa has narrated that his father has said: the messenger of Allaah (may Allaah send salutations upon him) went to Al Hdaybiyya in Ramadaan, and the battle took place in Shawwaal. However, this is incorrect. Rather, the battle of the conquest took place during Ramadaan. In addition, Aboo Al Aswad has narrated that 'Urwa has said: the battle of Al Hdaybiyya was in Dhool Qa'da.

Anas has narrated that the prophet (may Allaah send salutations upon him) performed 'Umra four times, and that he did so each time in Dhool Qa'da. As a result, he mentioned the 'umra of Al Hdaybiyya.

Jaabir has narrated that the messenger of Allaah (may Allaah send

salutations upon him) was joined by 1, 500 men. Narrated by Al Bukhaaree and Muslim.

Jaabir has narrated that the messenger of Allaah (may Allaah send salutations upon him) was joined by 1, 400 men. Narrated by Al Bukhaaree and Muslim.

‘Abdullaah Bin Abee Awfa has said: there were 1, 300 of us. Narrated by Al Bukhaaree and Muslim.

Qataada has said: I asked Sa’eed Bin Al Musayyib: how many people witnessed the treaty of Ar Ridwaan? He replied: 115. I said: Jaabir Bin ‘Abdillaah has said: 114. He said: may Allaah have mercy upon him, he was mistaken. He told me that 115 people were present. I said: both narrations are reliable, and he has said that they slaughtered seventy camels during the year of Al Hudaibiyya, and that each camel sufficed seven people. As a result, someone asked him: how many of you were present? He replied: 2, 400 including our horsemen and footsoldiers.

This is a more likely account, and it matches what has been said by: Al Baraa Bin ‘Aazib, Ma’qal Bin Yasaar, and Salama Bin Al Akwa’, and Al Musayyib Bin Huzn has said: Shu’ba, Qataada, and Sa’eed Bin Al Musayyib have narrated that his father has said: we were with the messenger of Allaah (may Allaah send salutations upon him) under the tree, and there were 2, 400 of us.

Those who say that 700 people were present are clearly mistaken. Rather, seventy camels were slaughtered, and it has been narrated that one camel suffices seven as well as ten people. However, it has been stated that one camel was slaughtered for every seven people during this ‘umra. Consequently, if seventy camels were slaughtered for all who were present, the total would be 490. Furthermore, Jaabir continued to say that 2, 400 people were present.

Chapter

The Events Which Preceded Reconciliation

While the messenger of Allaah (may Allaah send salutations upon him) was at Dhool Hulayfa, he entered the ihraam of ‘umra and sent a spy to gather information. He said: the Ethiopians and other groups have gathered to prevent you from reaching the house. As a result, the messenger of Allaah (may Allaah send salutations upon him) consulted his companions. Aboo Bakr said: Allaah and his messenger know best. We have come to perform ‘umra, though we will fight whoever stands between us and the house. As a result, the prophet (may Allaah send salutations upon him) said: (then proceed).

The Quraysh feared the approach of the messenger of Allaah (may Allaah send salutations upon him) , so he decided to send ‘Umar Bin Al

Khattaab to them. He said: O messenger of Allaah, not one member of Banoo Ka'b would become angry if I were harmed. As a result, he sent 'Uthmaan Bin 'Affaan. He said: inform them that we have not come to fight, but rather to perform 'umra. Invite them to Islaam and command them to give glad tidings to the believers of Makka upon the conquest. Inform them that Allaah the magnificent will make his religion uppermost in Makka such that none shall conceal their faith.

'Uthmaan came to the Quraysh and said: the messenger of Allaah (may Allaah send salutations upon him) has sent me to invite you to Islaam and to inform you that we have come to perform 'umra and not to fight. Thereafter, Abaan Bin Sa'eed Bin Al 'Aas welcomed 'Uthmaan, and the believers said: 'Uthmaan has performed 'umra. As a result, the messenger of Allaah (may Allaah send salutations upon him) said: (I do not believe that he has performed 'umra while we are confined). Others asked: what could prevent him from doing so? He replied: (I believe that he would not perform 'umra without us).

The messenger of Allaah (may Allaah send salutations upon him) was informed that 'Uthmaan had been killed in the midst of the war which took place between the believers and polytheists, so he called for a pledge of allegiance. Thereafter, the believers promised not to flee, so he held his hand and said: (this is on behalf of 'Uthmaan).

Once the pledge of allegiance was completed, 'Uthmaan returned and said: by he in whose hand is my soul, had I spent an entire year in Makka, I would not have performed 'Umra in the absence of the messenger of Allaah (may Allaah send salutations upon him). In fact, the Quraysh invited me to do so, though I refused. Consequently, the believers said: the prophet (may Allaah send salutations upon him) was the most optimistic.

'Umar took the hand of the messenger of Allaah (may Allaah send salutations upon him) beneath the tree, and all of the believers pledged allegiance to him except for Al Jidd Bin Qays.

Ma'qal Bin Yasaar lifted a branch over the head of the messenger of Allaah (may Allaah send salutations upon him) , and the first to pledge allegiance was Aboo Sinaan Al Asadee.

Salama Bin Al Akwa' pledged allegiance to him three times, at the beginning, in the middle, and at the end. Thereafter, Badeel Bin Warqaa Al Khuzaa'ee arrived with members of his tribe and said: Ka'b Bin Lu'ay and 'Aamir Bin Lu'ay have reached Al Hudaybiyya and intend to fight you.

Badeel came to the Quraysh and said: I will tell you what this man has said if you please, so the ignorant tribal members said: we do not need to hear what you have to say. However, the influential tribal members said: tell us what you heard him say, and he did. Consequently, 'Urwa Bin Mas'ood Ath Thaqafee said: his proposal is sensible, so accept it and allow me to go to him.

‘Urwa was permitted to go to the prophet (may Allaah send salutations upon him) , and he returned to his companions and said: by Allaah, I have met kings, though I have not met one who is venerated like Muhammad. By Allaah, if his phlegm reached their hands, he would massage his body with it. When he gives them an order, they obey without hesitation. When he performs ablution, they nearly kill each another for the water which was used. When he speaks, they lower their voices, and they do not look at him directly out of respect. His proposal is sensible, so accept it. As a result, a man of Banoo Kinaana said: allow me to go to him, and they did.

The messenger of Allaah (may Allaah send salutations upon him) said: (this is such and such, and his people honor the camel, so give him one). As a result, he said: glory be to Allaah! They should not be prevented from reaching the house, so he returned to his companions and said: I was given a camel, thus I do not feel that they should be prevented from reaching the house. Thereafter, Mukriz Bin Hafs stood and said: allow me to go to him, and they did.

The prophet (may Allaah send salutations upon him) said: (this is Mukriz Bin Hafs, and he is a sinner). As he spoke to the messenger of Allaah (may Allaah send salutations upon him) , Suhayl Bin ‘Amr arrived, so the prophet (may Allaah send salutations upon him) said: (he has made things easy for you). He said: let us prepare a treaty, and he called a scribe. The messenger of Allaah (may Allaah send salutations upon him) said: (write in the name of Allaah, most gracious, most compassionate). Suhayl said: as for the name the most gracious, it is unknown to us. However, you may write in your name O Allaah. The believers said: by Allaah, we will only write in the name of Allaah, most gracious, most compassionate. The prophet (may Allaah send salutations upon him) said: (write in your name O Allaah). He then said: (write this is what Muhammad the messenger of Allaah has decreed). Suhayl said: by Allaah, had we known that you were the messenger of Allaah, we would not have fought you, nor would we have prevented you from reaching the house. However, write Muhammad Bin ‘Abdillaah). The prophet (may Allaah send salutations upon him) asked: (so that you may allow us to perform ‘umra) ? Suhayl said: we wish that you return our men, even if they practice your religion. The believers said: glory be to Allaah! how could a believer be returned to the polytheists?

When Aboo Jandal Bin Suhayl Bin ‘Amr arrived, Suhayl said: O Muhammad, this is the first person whom I wish for you to return to me. The prophet (may Allaah send salutations upon him) said: (we have not finished the treaty). Suhayl said: by Allaah, I will never accept reconciliation. The prophet (may Allaah send salutations upon him) said: (allow him to stay). Suhayl said: I will not allow him to stay. Aboo Jandal asked: O believers, will I be returned to the polytheists when I have arrived

a believer? !Do you not know what I have suffered? !

'Umar Bin Al Khattaab said: I did not become doubtful until that day, so I came to the prophet (may Allaah send salutations upon him) and asked: O messenger of Allaah, are you not a prophet? !He replied: (I certainly am). I asked: do we not follow the truth while our enemy follows falsehood? !He replied: (you are correct). He asked: did you not tell us that we would perform 'umra? He replied: (I certainly did, though did I inform you that you would do so this year) ? I replied: no. He said: (you will indeed perform 'umra this year). He said: I said to Aboo Bakr what I said to the messenger of Allaah (may Allaah send salutations upon him) and received the same response.

Once the messenger of Allaah (may Allaah send salutations upon him) concluded the treaty, he said: (rise, slaughter, and shave). By Allaah, not one man stood although he repeated himself three times. Consequently, he went to Umm Salama and told her what took place, so she said: do not say a word to them until you shave. Thereafter, the people stood, slaughtered, and shaved.

Believing women came to him, thus Allaah the magnificent revealed the following: **{O you who believe, when believing migrant women come to you, test them}** [Al Mumtahina/10].

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا جَاءَكُمُ الْمُؤْمِنَاتُ مِهْجَرَاتٍ فَامْتَحِنُوهُنَّ﴾ [الممتحنة:10]

As a result, 'Umar divorced two wives of his whom he married as a polytheist, and Mu'aawiya married one of them while Safwaan Bin Umayya married the other. As he returned to Al Madeena, Allaah revealed the following: **{we have granted you a clear victory so that your past and future sins may be forgiven, and so that Allaah may aid and guide you}** [Al Fath/1-3].

﴿يَا فَتَحَا لَكَ فَتْحًا مُبِينًا ۚ لِيَغْفِرَ لَكَ اللَّهُ مَا تَقَدَّمَ مِنْ ذَنْبِكَ وَمَا تَأَخَّرَ وَيُتِمَّ نِعْمَتَهُ عَلَيْكَ وَيَهْدِيكَ صِرَاطًا مُسْتَقِيمًا﴾

﴿٢﴾ وَيُضْرِكَ اللَّهُ نَصْرًا عَزِيزًا ﴿٣﴾ [الفتح: 1-3]

The companions said: congratulations O messenger of Allaah, though what about us? Consequently, Allaah the magnificent revealed the following: **{he is the one who has placed tranquility in the hearts of the believers}** [Al Fath/4].

﴿هُوَ الَّذِي أَنزَلَ السَّكِينَةَ فِي قُلُوبِ الْمُؤْمِنِينَ﴾ [الفتح: 4]

As for the disbelievers, Allaah revealed the following: **{it is he who prevented you from fighting near Makka after granting you superiority}** ... **{the rage of the days of ignorance}** [Al Fath/24-26].

﴿وَهُوَ الَّذِي كَفَّ أَيْدِيَهُمْ عَنْكُمْ وَأَيْدِيَكُمْ عَنْهُمْ بِطَنِ مَكَّةَ مِنْ بَعْدِ أَنْ أَظْفَرَكُمْ عَلَيْهِمْ وَكَانَ اللَّهُ بِمَا تَعْمَلُونَ بَصِيرًا﴾ ﴿٢٦﴾ هُمْ

الَّذِينَ كَفَرُوا وَصَدُّوكُمْ عَنِ الْمَسْجِدِ الْحَرَامِ وَالْهَدْيِ مَعْكُوفًا أَنْ يَبْلُغَ حِمْلَهُمْ وَلَوْلَا رِجَالٌ مُؤْمِنُونَ وَنِسَاءٌ مُؤْمِنَاتٌ لَمْ تَعْلَمُوهُمْ أَنْ تَطَافُوهُمْ فَتَنْصِيبَكُمْ مِنْهُمْ مَعَرَّةٌ بِغَيْرِ عِلْمٍ لِيَدْخُلَ اللَّهُ فِي رَحْمَتِهِ مَنْ يَشَاءُ لَوْ تَزَيَّلُوا لَعَذَّبْنَا الَّذِينَ كَفَرُوا

مِنْهُمْ عَذَابًا أَلِيمًا ﴿٢٥﴾ إِذْ جَعَلَ الَّذِينَ كَفَرُوا فِي قُلُوبِهِمُ الْحَمِيَّةَ حَمِيَّةَ الْجَاهِلِيَّةِ ﴿٢٤﴾ [الفتح: 24-26]

Their rage was that they did not affirm the prophethood of the messenger of Allaah (may Allaah send salutations upon him) , nor did they agree that in the name of Allaah most gracious, most compassionate be written, and they prevented the believers from reaching the house.

It has been narrated in Al Bukhaaree and Muslim that the prophet (may Allaah send salutations upon him) performed ablution and rinsed his mouth at the well of Al Hudaybiyya and the water became tumultuous.

‘Urwa, Mirwaan Bin Al Hakam, and Al Miswar Bin Mukhrima have narrated that he placed an arrow in the water, and this also appears in Al Bukhaaree and Muslim.

It has been narrated that ‘Urwa has said in the Maghaazee of Aboo Al Aswad: after performing ablution and rinsing his mouth, he ordered that the water be poured into the well. He then threw an arrow into the well and supplicated, thus the water became so tumultuous that people sat gathering water with their hands.

It has been narrated that Jaabir has said: the people were thirsty on the day of Al Hudaybiyya as the messenger of Allaah (may Allaah send salutations upon him) performed ablution. As a result, they came to him in tears, so he asked: (what is wrong) ? They replied: we do not have water, so he placed his hand inside the container and the water began to flow from between his fingers. As a result, they began to drink and perform ablution, and there were 115 people present. Narrated by Al Bukhaaree.

However, this is not the story of the well.

After it had rained one night, the prophet (may Allaah send salutations upon him) asked: (do you know what your lord said last night) ? They replied: Allaah and his messenger know best. He said: (my slaves have risen believing in me and disbelieving in me. As for those who have said that it has rained by the grace of Allaah, they believe in me and disbelieve in stars. As for those who have said that it has rained due to a storm, they believe in stars and disbelieve in me).

Chapter

The Reconciliation Agreement Of Al Hudaybiyya

The reconciliation agreement of Al Hudaybiyya entailed that the believers and the people of Makka would not fight for ten years, and it entailed the return of disbelievers only.

Allaah the magnificent imposed an expiation of fasting, charity, or sacrifice when Ka'b Bin ‘Ujra shaved his head.

The messenger of Allaah (may Allaah send salutations upon him) supplicated three times for those whose heads are shaved while doing so only once for those whose hair is cut.

One camel sufficed seven people as a sacrifice and so did a cow. In fact, the messenger of Allaah (may Allaah send salutations upon him) sacrificed a camel of Aboo Jahl to infuriate the polytheists.

Al Fath was revealed and the treaty of the messenger of Allaah (may Allaah send salutations upon him) came to include the tribe of Khuzaa'a. Whereas, the treaty of the the Quraysh came to include the tribe of Banoo Bakr. However, it was stipulated that one could agree with the former or the latter.

Once he returned to Al Madeena, believing women such as Umm Kulthoom came to him. However, he did not return her, because Allaah the magnificent forbade him to do so, and it has been said that the polytheists sought to impose a condition upon women which applied only to men.

Chapter

The Legal Benefit Of The Story Of Al Hudaybiyya

The prophet (may Allaah send salutations upon him) performed 'umra during the months of hajj, because he departed in the month of Dhool Qa'da.

The prophet (may Allaah send salutations upon him) entered the ihraam of 'umra and hajj at Dhool Hulayfa which is approximately one mile from Al Madeena. As for the following narration: (if one enters the ihraam of 'umra at Baytul Maqdis, his past and future sins will be forgiven) (it will expiate his sins) , it is absolutely unreliable.

It is desireable to steer a sacrifice during a separate 'umra and a combined hajj.

It is a prophetic tradition to identify a sacrifice.

It is desireable to infuriate the enemies of Allaah, because the prophet (may Allaah send salutations upon him) steered a camel of Aboo Jahl for this purpose. In fact, Allaah the magnificent has said: **{that is because they do not become hungry, thirsty, or tired while at war. As they enrage the disbelievers and take spoils they are rewarded}** [At Tawba/120] .

﴿ذَلِكَ بِأَنَّهُمْ لَا يُصِيبُهُمْ ظَمَأٌ وَلَا نَصَبٌ وَلَا مَخْمَصَةٌ فِي سَبِيلِ اللَّهِ وَلَا يَطَئُونَ مَوْطِئًا يَغِيظُ الْكُفَّارَ وَلَا يَنَالُونَ مِنْ عَدُوٍّ نَيْلًا إِلَّا كُتِبَ لَهُمْ بِهِ عَمَلٌ صَالِحٌ إِنَّ اللَّهَ لَا يُضِيعُ أَجْرَ

الْمُحْسِنِينَ ﴿١٢٠﴾ [التوبة: 120]

The commander of an army should dispatch spies.

It is permissible to rely upon a polytheist during jihaad due to necessity, because 'Uyayna Al Khuzaa'ee was a disbeliever, however his relationship

with the enemy was advantageous.

An imaam should consult his army and his people in compliance with the command of the lord, and the most high has said: **{consult them}** [Aalu 'Imraan/159].

﴿وَشَاوِرْهُمْ فِي الْأَمْرِ﴾ [آل عمران: 159]

In fact, he has praised his slaves saying: **{they consult one another}** [Ash Shooraa/38].

﴿وَأَمَرَهُمْ شُورَىٰ بَيْنَهُمْ﴾ [الشورى: 38]

The children of polytheists may be taken prisoner before their elders begin fighting.

An improbable remark should be dismissed, thus the prophet (may Allaah send salutations upon him) did not believe that Al Qaswaa was stubborn. In fact, he stated that Allaah in his great wisdom made her kneel just as he prevented the elephant from reaching Makka.

It is desireable to swear using a religious statement which one wishes to confirm. It has been documanted that the prophet (may Allaah send salutations upon him) swore in eighty instances. In fact, Allaah the most high commanded him to swear as a confirmation in Yoonus, Saba', and At Taghaabun.

If Polytheists, innovators, or sinners seek assistance to do what is dear to Allaah the most high, it should be granted, provided that they will not be aided to do what is hateful to him.

This is a most difficult task, thus companions such as 'Umar were resistant in this regard. Whereas, Aboo Bakr was compliant such that his heart and the heart of the messenger of Allaah (may Allaah send salutations upon him) were united. In fact, his response to 'Umar was exactly the response of the messenger of Allaah (may Allaah send salutations upon him). This indicates that Aboo Bakr was the greatest of all companions. For this reason, 'Umar questioned the messenger of Allaah (may Allaah send salutations upon him) and Aboo Bakr only.

An imaam may initiate a peacy treaty if he feels that it will benefit the believers.

Al Mugheera Bin Shu'ba stood over the messenger of Allaah (may Allaah send salutations upon him) holding a sword, though this was unusual. Rather, the prophetic tradition demands that an imaam be respected when a messenger is sent by the enemy. However, the following prophetic tradition does not apply: (one who wishes to stand like him will be seated in the fire).

Similarly, pomp is not blameworthy during war, and the camel which was sent to the other messenger proves this.

The prophet (may Allaah send salutations upon him) said to Al Mugheera: (I accept Islaam though I do not accept wealth). This proves that the wealth of a polytheist is returned if he is protected. In addition, the prophet (may Allaah send salutations upon him) was not responsible for the wealth which Al Mugheera stole since he had yet to accept Islaam.

Forbearance should be observed when a messenger who is sent by a disbeliever is ill mannered. In fact, the prophet (may Allaah send salutations upon him) did not retaliate when 'Urwa held his beard as he spoke.

In addition, the messenger of Allaah (may Allaah send salutations upon him) did not retaliate when the two messengers of Musaylima said: we declare that he is the messenger of Allaah. Rather, he said: (if messengers could be killed, I would murder them).

Phlegm is pure whether it comes from the head or the throat.

Water which has been used for ablution is pure.

One should be optimistic as the prophet (may Allaah send salutations upon him) was when he said about Suhayl: (he will make things easy for you).

The prophet (may Allaah send salutations upon him) identified himself as Muhammad Bin 'Abdillaah without adding the name of his grandfather, because he was known by the name which he mentioned. In addition, he did not ask Suhayl what the name of his grandfather was. Whereas, when Al 'Aada Bin Khaalid bought a slave from him, he wrote the name of his grandfather simply to illustrate that it was permissible to do so. However, the name of a grandfather is required when two people have the same name, and Allaah knows best.

A unfair peace treaty is acceptable if it will prevent a greater evil.

If one swears, promises, or vows to do something without stating when, he may act when he pleases.

Shaving is a rite which is better than trimming, and the former is performed during hajj as well as 'umra. It is also performed by one who cannot complete 'umra due to an impediment.

In this case, he may slaughter at the point he has reached, and he may not leave ihraam until his offering has arrived. Allaah the most high has said: **{the offering has a specific destination}** [Al Fath/25].

﴿وَالْهَدْيَ مَعْكُومًا أَنْ يَبْلُغَ حِمْلَهُ﴾ [الفتح: 25]

The prophet (may Allaah send salutations upon him) only enjoined shaving and sacrifice in this instance. In fact, 2, 400 people could not complete 'umra due to an impediment, though less than that amount repeated it.

One must act immediately when receiving an order. Otherwise, he would not have become angry when they did not comply without delay. Some have

excused them claiming that they anticipated an abrogation. However, this excuse is invalid, because the prophet (may Allaah send salutations upon him) would not have become angry had he understood this. Nevertheless, Allaah forgave them and promised them paradise.

Legal rulings apply to him as well as his nation unless proven otherwise. For this reason, Umm Salama said: do not speak to anyone until you shave your head and slaughter, because she knew that the people would emulate him.

One may ask: how could they emulate him when they did not obey at once? One may respond by saying that this is why some have assumed that they anticipated an abrogation. However, it has already been said that this excuse is invalid. Rather, the prophet (may Allaah send salutations upon him) became angry. Thereafter, he acted without delay. Consequently, they realized that they were obliged to comply.

A peace treaty may entail the return of disbelievers only, though this does not entail women.

If a man loses his wife due to migration or apostacy, he is entitled to her dowry.

If a disbeliever comes to the imaam, he is not obliged to return him unless he is sought, because the prophet (may Allaah send salutations upon him) did not return Aboo Baseer when he arrived.

If a disbeliever kills one of the people who have found him and none have secured his bloodwit, it is like he has committed murder in his locale. Aboo Baseer killed two men in Dhool Hulayfa which is within the jurisdiction of Al Madeena. However, they had departed, thus the imam was no longer responsible.

Although the prophet (may Allaah send salutations upon him) and the polytheists agreed to a peace treaty, Aboo Baseer, his companions, and the polytheists did not. Based upon this, if a Muslim king and a group of Christians agree to a peace treaty, another Muslim king may attack them and take their wealth if they themselves have not agreed to a peace treaty.

Chapter

The Wisdom Of The Treaty Of Al Hudaybiyya In Brief

This treaty led to the grand conquest upon which multitudes accepted the religion of Allaah, and every great event has a prelude which serves as an indicator of what will soon occur.

The believers and disbelievers intermingled and the religion began to spread, and those who had concealed their faith were longer compelled to do so.

The messenger of Allaah (may Allaah send salutations upon him) and his companions were prevented from reaching the house, and this was an

apparent injustice. However, the messenger of Allaah (may Allaah send salutations upon him) was able to foresee the grand conquest. As a result, he agreed upon conditions which most of his companions could not accept, though Allaah has said: **{and you may dislike what is better for you}** [Al Baqara/216].

﴿وَعَسَىٰ أَنْ تَكْرَهُوا شَيْئًا وَهُوَ خَيْرٌ لَّكُمْ﴾ [البقرة: 216]

He was certain that the conditions which he agreed to would lead to victory. Consequently, the polytheists were defeated from the outset. Thereafter, the messenger of Allaah (may Allaah send salutations upon him) and his army reigned supreme, thus disgrace lead to honor. As a result, the wisdom of Allaah became manifest.

Allaah the glorified and most high increased the faith of the believers, and he granted them much needed serenity. Thereafter, they were pleased with his decree. As for the prophet (may Allaah send salutations upon him), he was blessed due to the trial which he endured.

Allaah mentioned the greatness of the aid which he granted the believers, he then mentioned the much needed serenity which he placed in their hearts. In fact, this serenity increased their faith.

Allaah mentioned the pledge of allegiance affirming that it was a treaty between him and the believers and that his hand was placed over their hands. Similarly, since the black stone is the hand of Allaah on earth, one who kisses it kisses the hand of Allaah. However, this analogy applies even moreso to the messenger of Allaah (may Allaah send salutations upon him).

Allaah mentioned that only those who breached this contract would be liable and that those who observed it would be rewarded.

Allaah mentioned the condition of the Arabs who thought that Allaah would fail his messenger. In reality, they were ignorant concerning the names and attributes of Allaah, and they were ignorant concerning the relationship between him and his messenger.

Allaah mentioned that he was pleased with the believers who pledged allegiance his messenger, and he mentioned that he knew at that point that they were truthful. As a result, he placed serenity within their hearts and rewarded them with a forthcoming victory. However, the conquest began at Khaybar in actuality and never ceased.

Allaah promised the believers an abundance of spoils, and he informed them that some of which they received in advance.

There are two opinions in this regard:

Some have said that this was the peace treaty while others have said that it was the conquest of Khaybar.

Allaah said: **{and he withheld the people from you}** [Al Fath/20].

﴿وَكَفَّ أَيْدِيَ النَّاسِ عَنْكُمْ﴾ [الفتح: 20]

It has been said that he prevented the people of Makka from fighting the believers, and it has been said that he prevented the Jews of Al Madeena from fighting them. It has also been said that he prevented the people of Khaybar and their allies from fighting them. However, the truth of the matter is that this verse applies to all three groups.

Allaah has said: **{so that this may be a miraculous sign for the believers}** [Al Fath/20].

﴿وَلِتَكُونَ آيَةً لِّلْمُؤْمِنِينَ﴾ [الفتح: 20]

It has been said that this refers to the multitudes whom Allaah withheld from the believers, because the people of Makka and surrounding areas, the people of Khaybar and surrounding areas and their allies, and all Arab tribes were enemies of the believers. Nevertheless, they did not harm them which is a miracle.

Allaah made the conquest of Khaybar a miraculous sign for the believers as well as an indication of what would soon occur, because Allaah the glorified promised them victory. The conquest of Khaybar was also a reward since the believers were patient on the day of Al Hdaybiyya.

Allaah said: **{he will guide you to the straight path}** [Al Fath/20].

﴿وَيَهْدِيكُمْ صِرَاطًا مُسْتَقِيمًا﴾ [الفتح: 20]

Not only did Allaah grant the believers victory and spoils, though he guided them. Thereafter, he promised that they would enjoy victory and spoils perpetually, though they were not capable of doing so at the time. Consequently, it has been said this refers to Makka. Some have also said that Persia and Rome were implied, and others have said that this applies to every conquest which preceded Khaybar.

Allaah mentioned that the disbelievers would flee if they faced his beloved, and he mentioned that this is an undying tradition.

One may say: the disbelievers did not flee and were victorious on the day of Uhud.

Patience and reverence were stipulated, though the believers became cowardly on the day of Uhud, and this negates patience. They also disagreed and disobeyed, and this negates reverence. Consequently, they were diverted from their enemy, thus they did not meet the requirements necessary for victory.

Allaah mentioned that he prevented the believers from fighting one another after granting them victory, because there were those amongst them whose faith was concealed.

Allaah mentioned the hatred of the days of ignorance which incited the disbelievers to prevent his messenger and his slaves from reaching the house. In addition, they did not that confirm the basmala, nor did they

confirm that Muhammad was the messenger of Allaah, although they were certain that he was truthful.

Allaah mentioned that he placed serenity in the hearts of his believers while placing the hatred of the days of ignorance in the hearts of their enemies. He then enjoined the speech of reverence, and the greatest speech in this regard is the statement of sincerity which is defined by the basmala, though the Quraysh rejected it. However, he deprived them of the basmala as a protection, and he gave it to those who deserved it the most.

Allaah mentioned that he confirmed the dream of his messenger, namely that the believers would enter the masjid safe and secure. However, that year was not the time, and he knew the advantage of delaying this event unlike the believers. Rather, they wished to arrive in haste.

Allaah mentioned that it was he who sent his messenger with guidance and the religion of truth so that no other religion could prevail. This was to strengthen the believers so that they would not believe that their enemies were aided on the day of Al Hdaybiyya, and how could the messenger be forsaken when he was sent with the religion of truth?

Allaah mentioned his messenger and those whom he chose for him. He praised them and mentioned them as they have been described in the Tawraa and Injeel. In fact, this was the greatest proof that those who brought the Tawraa, Injeel, and the Qur'aan were truthful, and that it is they who have been mentioned in previous books.

The disbelievers say that the companions sought wealth and dominion. However, when the Christians of Syria saw them and beheld their conduct, they said that the companions of Al Maseeh were not greater than them. In addition, these Christians were more familiar with the companions than their enemies the Raafida whose description of them is in complete contrast to their description in the Quraan.

Chapter

Khaybar

Moosa Bin 'Uqba has said: when the messenger of Allaah (may Allaah send salutations upon him) came to Al Madeena from Al Hdaybiyya, he remained for approximately twenty nights before traveling to Khaybar, and Allaah promised him victory while in Al Hdaybiyya.

Maalik has said: the conquest of Khaybar was during the sixth year, though the predominant view is that it occurred during the seventh year. However, Aboo Muhammad Bin Hazm maintained that it took place during the sixth year.

There is most likely a discrepancy regarding the beginning of this narrative, namely did it begin in Rabee' Al Awwal when he reached Al Madeena, or did it begin in Muharram upon the new year? The predominant

view is that it began in Muharram, though Aboo Muhammad Bin Hazm held that it began in Rabee' Al Awwal when he reached Al Madeena.

The first person to document the migration was Ya'la Bin Umayya who did so in Yemen as Ahmad has narrated with a sound chain. However, it has been said that 'Umar Bin Al Khattaab did so first in the year sixteen.

Ibn Ishaq has said: Az Zuhree has informed me that 'Urwa has narrated that Mirwaan Bin Al Hakam and Al Miswar Bin Mukhrima have said: Al Fath was revealed during the year of Al Hdaybiyya while the messenger of Allaah (may Allaah send salutations upon him) was between Makka and Al Madeena, and Allaah granted him Khaybar saying: **{Allaah has promised you that you would obtain abundant spoils, and he has granted you this in advance}** [Al Fath/20].

﴿وَعَدَكُمْ اللَّهُ مَغَانِمَ كَثِيرَةً تَأْخُذُونَهَا فَعَجَّلَ لَكُمْ هَذِهِ﴾ [الفتح: 20]

The messenger of Allaah (may Allaah send salutations upon him) reached Al Madeena in the month of Dhool Hijja and he remained there until he traveled to Khaybar in the month of Muharram. He spent the night in a valley between Khaybar and Ghatfaan, though he departed by morning fearing that the former would aid the latter.

He placed Sibaa' Bin 'Arafata in command of Al Madeena. Thereafter, Aboo Hurayra heard him recite from the beginning of Maryam during the first standing, and he heard him recite from the beginning of Al Mutaffifeen during the second standing. As a result, he said to himself: may the father of so and so be punished. He measures excessively when taking and deficiently when giving.

Once prayer was finished, he came to Sibaa' and gave him provisions, he then came to the messenger of Allaah (may Allaah send salutations upon him) and spoke to the believers. Thereafter, they agreed to share their spoils with him and his companions.

Chapter

The Arrival Of The Prophet (May Allaah Send Salutations Upon Him) And His Companions

Once the messenger of Allaah (may Allaah send salutations upon him) reached Khaybar, he performed the dawn prayer. Thereafter, the people of Khaybar saw the army as they departed, and then they returned to their fortresses.

The prophet (may Allaah send salutations upon him) commanded the army to halt and then he said: (we ask you for the good of this village and seek your protection from it's evil. Proceed in the name of Allaah).

He said on the night of entry: (tomorrow I shall give this flag to a man who loves Allaah and his messenger and is dear to them, and Allaah will

place victory within his hands). Consequently, the people remained awake wondering who would receive the flag. Once morning arrived, they came to the messenger of Allaah (may Allaah send salutations upon him) and he asked: (where is 'Alee Bin Abee Taalib) ? They replied: O messenger of Allaah, he is suffering from an eye ailment. He said: (send for him). Once he arrived, the messenger of Allaah (may Allaah send salutations upon him) spit in his eyes and supplicated for him, hence he became well. Thereafter, he gave him the flag and he asked: O messenger of Allaah, should I fight them until they become like us? He replied: (invite them to Islaam and inform them of their obligations. By Allaah, if he guided one man through you, that would be better for you than the red camel).

Moosa Bin 'Uqba has said: it has been narrated that Jaabir Bin 'Abdillaah has said that it was Muhammad Bin Muslima who killed Marhab, and Jaabir has said: Marhab the Jew emerged from a fortress with his weapons asking: who wishes to duel? As a result, the messenger of Allaah (may Allaah send salutations upon him) asked: (who will accept) ? Muhammad Bin Muslima said: I will O messenger of Allaah. They killed my brother yesterday, so he said: (stand before him. O Allaah assist him).

Al Waaqidee has said: it has been said: Muhammad Bin Muslima severed the calves of Marhab. He then said: taste death as my brother Mahmood did. Thereafter, 'Alee struck his neck with his sword.

Yaasir the brother of Marhab was challenged by Az Zubayr, so his mother said: O messenger of Allaah, will my son be killed? He said: (rather, your son will kill him if Allaah has willed) , and he did.

Moosa Bin 'Uqba has said: the Jews entered the fortress and the messenger of Allaah (may Allaah send salutations nupon him) confined them for nearly twenty nights, and the earth was extremely hot, thus the believers became exhausted. Consequently, they slaughtered a camel, though the messenger of Allaah (may Allaah send salutations upon him) forbade them from eating it. Thereafter, an Ethiopian slave arrived from Khaybar. When he saw the locals carrying weapons, he asked: what do you intend to do? They replied: we intend to fight this man who claims to be a prophet. As a result, he came with his livestock to the messenger of Allaah (may Allaah send salutations upon him) and asked: what do you say and what you call to? He replied: (I call to Islaam, and that you declare that there is no deity worthy of worship except Allaah and that I am his messenger, and that you worship none except Allaah). The slave asked: what will I gain if I believe in Allaah the magnificent? He replied: (you will gain paradise if you die a believer). As a result, he accepted Islaam and returned his master's livestock, thus he knew that he had accepted Islaam. Thereafter, the messenger of Allaah (may Allaah send salutations upon him) rose and delivered a sermon encouraging the people to engage in jihaad.

When the the believers and the Jews clashed, the slave was killed. Consequently, the believers took him to the base and placed him inside a tent. It has been said that the messenger of Allaah (may Allaah send salutations upon him) looked inside it and turned to his companions and said: (Allaah honored this slave and directed him to goodness, and I saw two women of paradise near his head, though he did not prostrate to Allaah once).

Hamaad Bin Salama has said: Thaabit has narrated that Anas has said: a man came to the messenger of Allaah (may Allaah send salutations upon him) and said: O messenger of Allaah, I am an ugly foul smelling black man who has no wealth, so will I enter paradise if I fight until death? He replied: (yes). As a result, he advanced and fought until death, so the messenger of Allaah (may Allaah send salutations upon him) came to him and said: (Allaah has made you handsome, fragrant, and wealthy). He then said: (I have seen his two wives come between his garment and his body).

Shaddaad Bin Al Haadd has said: an Arab man came to the prophet (may Allaah send salutations upon him) and became a follower of his. He said: I will migrate with you, and he advised some of his companions to do so as well. Once the battle of Khaybar took place, the messenger of Allaah (may Allaah send salutations upon him) gave a portion of the spoils to the Arab, and he gave what he received to his companions. However, they returned it. As a result, he came to the messenger of Allaah (may Allaah send salutations upon him) and asked: what is this? He replied: (this is a portion which I have allotted for you). He said: this is not why I follow you. Rather, I follow you so that I may be die and enter paradise. As a result, he fought until death. Once he was brought to the prophet (may Allaah send salutations upon him) , he asked: (is this him) ? Others replied: yes, so the prophet (may Allaah send salutations upon him) shrouded him in his overgarment and performed prayer, and he said while supplicating: (O Allaah, this slave of yours migrated for your sake and died a martyr, and I am his witness).

Al Waaqidee has said: the Jews moved to the fortress of Az Zubayr, and the messenger of Allaah (may Allaah send salutations upon him) remained for three days. Thereafter, a Jewish man named 'Azzaal came and said: O Aboo Al Qaasim, if you remained for a month, they would not care. They come fourth at night to drink from springs beneath the earth, and then they return to their fortress. However, if you block their water, they will emerge. Consequently, the messenger of Allaah (may Allaah send salutations upon him) blocked their water at which point they emerged and fought an intense battle.

The prophet (may Allaah send salutations upon him) proceeded to the fortress of Ibn Abee Al Haqeeq where the people were deeply entrenched,

and they were joined by each group which was defeated. In actuality, Khaybar was comprised of two sides, and the prophet (may Allaah send salutations upon him) has already defeated one of them. As for the second side, they remained entrenched until the prophet (may Allaah send salutations upon him) sought to aim a catapult toward them.

The messenger of Allaah (may Allaah send salutations upon him) confined the people of Khaybar to their fortresses for fourteen days, so they sought reconciliation. Thereafter, he agreed to a peace treaty which entailed that the people of Khaybar would depart without their wealth.

Hamaad Bin Salama has said: 'Ubaydullaah Bin 'Umar has informed us that Naafi' and Ibn 'Umar have narrated that the messenger of Allaah (may Allaah send salutations upon him) fought the people of Khaybar until they retreated. Consequently, he seized their land, so they agreed to depart with whatever they could carry while leaving their gold and silver.

It was stipulated that they must not hide their wealth, otherwise they would no longer enjoy immunity. However, they hid a sack containing valuables which was brought to Khaybar by Hayy Bin Akhtab upon the displacement of Banoo An Nadeer. Consequently, the messenger of Allaah (may Allaah send salutations upon him) asked his uncle: (what happened to the sack of Hayy which he brought from An Nadeer) ? He replied: It was depleted by war and expenses. He said: (the treaty is near, and the wealth is nearer). Thereafter, the messenger of Allaah (may Allaah send salutations upon him) pushed him toward Az Zubayr who punished him. He said: I saw Hayy roaming about the ruins, so they searched for the sack and found it. As a result, the messenger of Allaah (may Allaah send salutations upon him) killed the two sons of Aboo Al Haqeeq, and one of them was the husband of Safiyya Bint Hayy Bin Akhtab. He also took prisoners and spoils.

When he sought to banish them, they said: O Muhammad, allow us to cultivate the land, because we are more capable of doing so, and he did since he nor his companions could accept the responsibility. However, he stipulated that he would receive ½ of all produce, and 'Abdullaah Bin Rawaaha was his assessor.

The messenger of Allaah (may Allaah send salutations upon him) only killed the two sons of Aboo Haqeeq after reconciliation due to a breach of agreement, and he asked: (where is the wealth which you brought with you when we banished you from Al Madeena) ? They replied: it is gone, and they swore. However, the cousin of Kinaana confessed when the messenger of Allaah (may Allaah send salutations upon him) pushed him toward Az Zubayr who punished him. Similarly, the messenger of Allaah (may Allaah send salutations upon him) pushed Kinaana toward Muhammad Bin Muslima who killed him, and it has been said that it was Kinaana who killed his brother Mahmood Bin Muslima.

The messenger of Allaah (may Allaah send salutations upon him) took Safiyya Bint Hayy Bin Akhtab and her cousin prisoner, and Safiyya Bint Hayy Bin Akhtab was the wife of Kinaana Bin Abee Al Haqeeq. When the messenger of Allaah (may Allaah send salutations upon him) invited her to accept Islaam, she accepted. Consequently, he chose her for himself and emancipated her. In fact, this was her dowry.

The companions did not know whether he had married her or taken her prisoner, so they said: if he covers her, she is one of his wives. Otherwise, she is his property. In any event, he covered her back and face with his garment at which point they knew that she was his wife.

Aboo Ayyoob stood guard the entire night as the messenger of Allaah (may Allaah send salutations upon him) and Safiyya Bint Hayy Bin Akhtab slept. When Aboo Ayyoob saw him emerge, he uttered the takbeer. As a result, the messenger of Allaah (may Allaah send salutations upon him) asked him: (what is wrong with you O Aboo Ayyoob) ? He replied: I remained awake the entire night O messenger of Allaah, because once you entered with this woman, I recalled that you had killed her father, brother, husband, and most of her tribe. As a result, I feared that you would be assassinated. Thereafter, the messenger of Allaah (may Allaah send salutations upon him) began to laugh.

Chapter

The Division Of Spoils

The messenger of Allaah (may Allaah send salutations upon him) divided Khaybar into thirty-six portions, and each portion was divided into 100 portions, thus the total was 3, 600. The messenger of Allaah (may Allaah send salutations upon him) and the believers received $\frac{1}{2}$ of these portions, and the portion of the messenger of Allaah (may Allaah send salutations upon him) equaled the portion of one Muslim. The other half of these portions was allotted for his deputies and the community at large. Al Bayhaqee has said: this is because one half of Khaybar was conquered by force while the other half was not, thus he divided the former half amongst those who were entitled to it while allocating the latter half to his deputies and the community at large.

If one examines the prophetic biography, it will become clear to him that Khaybar was conquered by force. Otherwise, the messenger of Allaah (may Allaah send salutations upon him) would not have banished the residents, and they said: we are more familiar with the land, so allow us to cultivate it in return for half of the harvest. This states that Khaybar was conquered by force, and it is well known that both sides suffered casualties.

The truth of the matter is that Khaybar was conquered by force, and the imaam may divide or donate such land. In fact, the messenger of Allaah

(may Allaah send salutations upon him) divided Quraydha and An Nadeer, though he did not divide Makka. He also divided one half of Khaybar while donating the other half.

He allotted three portions for each horseman and one portion for each foot soldier, and there were 2, 400 soldiers and 200 of them were horsemen.

'Abdullaah Al 'Amree, Naafi', and Ibn 'Umar have narrated that he gave two portions to each horseman and one portion to each foot soldier.

Ash Shaafi'ee has said: a horseman receives two portions and a foot soldier receives one portion, and no scholar doubts that 'Ubaydullaah Bin 'Umar was greater than his brother in terms of memorization. In fact, a reliable narrator and companion of ours has informed us that Ishaq Al Azraq Al Waasitee, 'Ubaydullaah Bin 'Umar, Naafi', and Ibn 'Umar have narrated that the messenger of Allaah (may Allaah send salutations upon him) allotted two portions for each horseman and one portion for each foot soldier.

He then narrated via Aboo Mu'aawiya, 'Ubaydullaah Bin 'Umar, Naafi', and Ibn 'Umar that the messenger of Allaah (may Allaah send salutations upon him) allotted three portions for each horseman, namely one portion for him and two portions for his horse. Narrated by Al Bukhaaree and Muslim.

Ash Shaafi'ee has said: Majma' Bin Jaariya has narrated that the prophet (may Allaah send salutations upon him) divided the spoils of Khaybar amongst 2, 500 soldiers giving each horseman two portions and each foot soldier one portion.

Al Bayhaqee has said: the narration of Majma' Bin Ya'qoob concerning the number of soldiers is at variance, because Jaabir and others have narrated that the number of soldiers was 2, 400, namely those who participated in the battle of Al Hdaybiyya. In addition, Ibn 'Abbaas, Saalih Bin Keesaan, Basheer Bin Yasaar, and others have narrated that there were 200 horses and that two portions were allotted for each one while one portion was allotted for each horseman and foot soldier.

Aboo Daawud has said: the narration of Aboo Mu'aawiya is more reliable and has been accepted, and I believe that Majma' was mistaken when he said: 300 horsemen. Rather, there were 200 horsemen.

Aboo 'Amra has narrated that his father has said: four of us came to the messenger of Allaah (may Allaah send salutations upon him) with a horse, so he gave each of us a portion while giving two portions to the horse. Narrated by Aboo Daawud.

This narration has been relayed by 'Abdur Rahmaan Bin 'Abdillaah Bin 'Utba Bin 'Abdillaah Bin Mas'ood who is weak. The following has also been narrated: three of us came to the messenger of Allaah (may Allaah send salutations upon him) with a horse, and three portions were allotted for it. Narrated by Aboo Daawud.

Chapter

The Arrival Of Ja'far Bin Abee Taalib And His Companions From Ethiopia

His cousin Ja'far Bin Abee Taalib came to him during this battle, and he was joined by 'Abdullaah Bin Qays, Aboo Moosa, and Asmaa Bint 'Umays. Aboo Moosa has said: were we informed that the prophet (may Allaah send salutations upon him) had departed while we were in Yemen. Consequently, two of my brothers and I migrated while accompanied by more than fifty of my people. We boarded a ship which brought us to An Najaashee in Ethiopia where we met Ja'far Bin Abee Taalib and his companions. Ja'far said: the messenger of Allaah (may Allaah send salutations upon him) commanded us to reside here, so join us. As a result, we stayed with them and departed together, and we reached the messenger of Allaah (may Allaah send salutations upon him) upon the conquest of Khaybar. Thereafter, he gave us portions, though he did not give portions to anyone else who did not participate in the battle. As a result, people said: we migrated before you, and 'Umar asked Hafsa who was joined by Asmaa Bint 'Umays: who is this? She replied: Asmaa. He said: we migrated before you, thus we are more entitled to the messenger of Allaah (may Allaah send salutations upon him). Consequently, she became angry and said: O 'Umar, by Allaah, you were with the messenger of Allaah (may Allaah send salutations upon him) as he fed the hungry and educated the ignorant. Meanwhile, we were in a hostile land for the sake of Allaah and his messenger. By Allaah, I will not eat or drink until I tell the messenger of Allaah (may Allaah send salutations upon him) what you have said.

When the prophet (may Allaah send salutations upon him) arrived, she said: 'Umar has said such and such, so he said: (he is not anymore entitled to me than you are. He and his companions have migrated once, though you and your companions have done so twice). Aboo Moosa and his companions used to question Asmaa about this prophetic tradition, and nothing brought them greater joy.

When Ja'far came to the prophet (may Allaah send salutations upon him), he kissed his forehead and said: (by Allaah, I do not know which is more joyous; the conquest of Khaybar, or the arrival of Ja'far).

As for the narration which states that Ja'far hopped on one foot out of respect for the messenger of Allaah (may Allaah send salutations upon him), Al Bayhaquee has said: as for the chain which has reached Ath Thawree, there is an unknown narrator.

Even if this narration were reliable, it could not prove that one may resemble a bear, or that one may walk in a feminine manner, because this contradicts the guidance the messenger of Allaah (may Allaah send

salutations upon him). Rather, it is most likely that the Ethiopians would hop on one foot out of respect for their superiors, and Ja'far probably did so only once.

Moosa Bin 'Uqba has said: Banoo Fizaara were amongst those who came to assist the people of Khaybar, so the messenger of Allaah (may Allaah send salutations upon him) informed them in writing that they should abandon them. However, they refused to comply, though once Allaah granted him victory, they asked him about his promise. He replied: (you may have Ar Raqeeba), i. e. a local mountain. As a result, they said: we will fight you, so he said: (your appointment is at such and such time), thus they fled.

Al Waaqidee has said: Aboo Shuyaym Al Muzanee-who became a good Muslim-said: 'Uyayna Bin Hisn returned to Khaybar with us, and we were scared of the dark. As a result, 'Uyayna said: rejoice, because I saw Ar Raqeeba in a dream this evening.

Once we reached Khaybar, 'Uyayna discovered that the messenger of Allaah (may Allaah send salutations upon him) had conquered Khaybar, so he said: O Muhammad, give me the spoils which you have taken from my allies. He said: (you may have Dhoo Ar Raqeeba). He asked: what is Ar Raqeeba? He replied: (the mountain which you saw in your dream). Thereafter, 'Uyayna returned to his family, and Al Haarith Bin 'Awf said: by Allaah, Muhammad shall conquer the world, and Jews have informed us of this. I declare that I have heard Aboo Raafi' Salaam Bin Abee Al Haqeeq say: we envy Muhammad due to his prophethood, though the Jews are not pleased by this. He has slaughtered us twice, once at Yathrib and once at Khaybar. I asked: shall he rule the entire earth? He replied: yes, by the Tawraa which was revealed to Moosa, though I do not want the Jews to know what I have said.

Chapter

The Poisoned Sheep Which Was Given To The Prophet (May Allaah Send Salutations Upon Him)

The messenger of Allaah (may Allaah send salutations upon him) was given a poisoned sheep by Zaynab Bint Al Haarith the Jew. She placed a great amount of poison in the arm since that was his favorite part. However, it informed him that it was poisoned. As a result, he said: (gather the Jews). Once they assembled, he said: (I will ask you about something, so will you be truthful)? They replied: yes, O Aboo Al Qaasim, so the messenger of Allaah (may Allaah send salutations upon him) asked: (who is your father)? They replied: our father is so and so. He said: (you have lied, your father is so and so). They said: you have told the truth. He asked: (I will ask you about something, so will you be truthful)? They replied: yes, O Aboo Al

Qaasim. If we were dishonest, you would know as you knew before. He asked: (who are the people of the fire) ? They replied: we will dwell therein for a while and then you will succeed us, so the messenger of Allaah (may Allaah send salutations upon him) said: (by Allaah, we shall never do so). He asked: (I will ask you about something, so will you be truthful) ? They replied: yes. He asked: (did you poison this sheep) ? They replied: yes. He asked: (what motivated you to do so) ? They replied: we said: if you were a liar, we would rid ourselves of you, though if you were a prophet, you would not be harmed.

The woman was brought to the messenger of Allaah (may Allaah send salutations upon him) , so she said: I sought to kill you. He said: (Allaah would not allow you to do so). Others asked: shall we kill her? He replied: (no). In fact, he did not even punish her.

Different views exist in this regard. Az Zuhree has said: he did not kill her because she accepted Islaam, and Ma'mar has said: the people would have said: the prophet (may Allaah send salutations upon him) has killed her.

Aboo Daawud has said: Wahb Bin Baqiyya, Khaalid, Muhammad Bin 'Amr, and Aboo Salama have narrated that the messenger of Allaah (may Allaah send salutations upon him) was given a poisoned sheep while at Khaybar...As a result, Bishr Bin Al Baraa Bin Ma'roor died, so he asked the Jewish woman: (what motivated you to do this). Jaabir has said: thereafter, he killed her.

Both narrations agree when it is mentioned that he did not kill her until Bishr died.

Scholars have disagreed whether or not he ate the meat. However, most narrations state that he did. In fact, he said on his death bed: (I am still suffering from the meat which I ate at Khaybar). Az Zuhree has said: as a result, the messenger of Allaah (may Allaah send salutations upon him) died a martyr.

Moosa Bin 'Uqba and others have said: some of the Quraysh said: Muhammad and his companions will be victorious while others said: the Jews of Khaybar will be victorious.

Al Hajjaaj Bin 'Allaat As Silmee accepted Islaam and witnessed the conquest of Khaybar, and his wife was Umm Shayba. Al Hajjaaj was wealthy, so when the prophet (may Allaah send salutations upon him) achieved victory, he said: I have gold, though I will lose it if my wife and her family discover that I have accepted Islaam.

Once he reached Makka, he said to his wife: gather my wealth, because I would like to purchase the shares of Muhammad and his companions. He has been taken prisoner and his companions have deserted him. In fact, the Jews have sworn that they shall kill him in retaliation for those whom they

lost in Al Madeena. Thereafter, the rumor began to spread and the polytheists became joyous. Once Ibn 'Abbaas became aware of this, he wished to retaliate though was unable.

Al Hajjaaj said to Al 'Abbaas the uncle of the messenger of Allaah (may Allaah send salutations upon him) : the messenger of Allaah (may Allaah send salutations upon him) has conquered Khaybar and has taken spoils, and he has married Safiyya Bint Hayy. Rather, I wished to collect my wealth, so I sought his permission to say what was necessary in order to do so, and he allowed me to speak as I please.

His wife gathered his belongings and he returned. Thereafter, Al 'Abbaas came to her and asked: what has your husband done? She replied: he has departed. She then said: O Aboo Al Fadl, we are dismayed by the news. He said: all is well, and praise belongs to Allaah. The prophet (may Allaah send salutations upon him) was victorious and has married Safiyya, so join your husband if you need him. She said: by Allaah, I believe that you are truthful. He said: by Allaah, I am indeed truthful. She asked: who has told you the news? He replied: the one who came to you. Thereafter, he approached the Quraysh who said: O Aboo Fadl, only good will befall you. He said: this is all which has befallen me, and praise belongs to Allaah. Thereafter, the believers came to Al 'Abbaas who told them what actually took place and they rejoiced.

The Legal Benefit Of The Battle Of Khaybar

The disbelievers may be fought during the sacred months, because the messenger of Allaah (may Allaah send salutations upon him) returned from Al Hudaibiyya in Dhool Hijja and remained for a few days, he then traveled to Khaybar in Muharram as Az Zuhree has said. Al Waaqidee has said: he departed in the beginning of the seventh year. However, he departed at the end of Muharram and conquered Khaybar in Safar. In fact, the companions pledged beneath the tree that they would not flee during battle, and this was in Dhool Qa'da. However, the prophet (may Allaah send salutations upon him) demanded their allegiance after being informed that 'Uthmaan had been killed and that those who killed 'Uthmaan sought to kill him as well. Nevertheless, all agree that fighting is lawful during the sacred months if it is initiated by the enemy, and most agree that an offensive may be waged as well. In fact, Aboo Haneefa, Maalik, Ash Shaafi'ee, and Ahmad have maintained that the prohibition of fighting during the sacred months has been rescinded.

'Ataa and others have disagreed. In fact, he swore that fighting remained unlawful during the sacred months.

The prophet (may Allaah send salutations upon him) confined the people of At Taa'if for more than twenty nights, and he arrived at the end of

Shawwaal. Consequently, they were confined in Dhool Qa'da as well.

One may say: rather, he confined the people of At Taa'if for more than ten days, and Ibn Hazm has said: this is undoubtedly correct, though how could he be certain of this? It has been narrated that Anas Bin Maalik has said: we confined them for forty days... Narrated by Al Bukhaaree and Muslim. This undoubtedly took place during Dhool Qa'da, though the battle of At Taa'if was actually the culmination of the battle of Hawaazin which the messenger of Allaah (may Allaah send salutations upon him) did not initiate. Rather, the king Maalik Bin 'Awf An Nadree joined forces with Thaqeef in the fortress of At Taa'if after the messenger of Allaah (may Allaah send salutations upon him) defeated his people.

Allaah the most high has said in Al Maa'ida which was his latter revelation: **{O you who believe, do not desecrate the symbols of Allaah, the sacred months, the sacrifice, nor the garlands}** [Al Maa'ida/2].

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَحِلُّوا شَعَائِرَ اللَّهِ وَلَا الشَّهْرَ الْحَرَامَ وَلَا الْهَدْيَ وَلَا الْقَلَائِدَ﴾ [المائدة: 2]

The glorified has said in Al Baqara: **{they question you about fighting during the sacred months, say it is a major sin which diverts one from the path of Allaah}** [Al Baqara/217].

﴿سَأَلُوكَ عَنِ الشَّهْرِ الْحَرَامِ قِتَالٍ فِيهِ قُلْ قِتَالٌ فِيهِ كَبِيرٌ وَصَدُّ عَنْ سَبِيلِ اللَّهِ﴾ [البقرة: 217]

These two verses were revealed in Al Madeena within approximately eight years, and they have not been abrogated by the book of Allaah, the tradition of his messenger, nor the consensus of this nation. As for the verse: **{fight the polytheists collectively}** [At Tawba/36].

﴿وَقَاتِلُوا الْمُشْرِكِينَ كَافَّةً﴾ [التوبة: 36]

And those which are similar, they are general. As a result, they do not prove that the prohibition of fighting during the sacred months has been rescinded. As for the assertion that the prophet (may Allaah send salutations upon him) sent Aboo 'Aamir and an army to Awtaas in Dhool Qa'da, this was the culmination of a battle which the polytheists had initiated.

Chapter

The Division Of Spoils

A horseman receives three portions while a foot soldier receives one portion.

Soldiers may eat food which they find individually.

Those who arrive once the war has ended may not receive their portions without the consent of the army.

Chapter

The Unlawfulness Of Domestic Red Meat

Domestic red meat was prohibited on the day of Khaybar because it is unclean. However, it has been said that it was prohibited because it comes from animals which people depend upon for transportation. It has also been said that it was prohibited because it was not divided, and it has been said that it was prohibited because it consumed waste. Even though all of these statements are found in Saheeh Al Bukhaaree, the statement of the prophet (may Allaah send salutations upon him) takes precedent, namely that domestic red meat is unclean.

This prohibition does not contradict the following verse: **{say: I have not found an unlawful food within the revelation which I have received with the exception of: animals which have not been slaughtered, blood covered meat, and swine. It is either unclean or has been slaughtered for other than Allaah}** [Al An'aam/145].

﴿قُلْ لَا أَجِدُ فِي مَا أُوحِيَ إِلَيَّ مُحَرَّمًا عَلَى طَاعِمٍ يَطْعَمُهُ إِلَّا أَنْ يَكُونَ مَيْتَةً أَوْ دَمًا مَسْفُوحًا أَوْ لَحْمَ خِنْزِيرٍ

فَإِنَّهُ رِجْسٌ أَوْ فِسْقًا أُهِلَّ لِغَيْرِ اللَّهِ بِهِ﴾ [الأنعام: 145]

Rather, domestic red meat was not prohibited until after this verse was revealed.

Chapter

The Unlawfulness Of Temporary Marriage

Temporary marriage was not prohibited on the day of Khaybar, but rather during the year of the conquest. A group of scholars have believed that temporary marriage was prohibited on the day of Khaybar, and they have relied upon the narration of 'Alee Bin Abee Taalib which states that the messenger of Allaah (may Allaah send salutations upon him) forbade temporary marriage and domestic red meat on the day of Khaybar. Narrated by Al Bukhaaree and Muslim.

It has been narrated that 'Alee said to Ibn 'Abbaas: the messenger of Allaah (may Allaah send salutations upon him) forbade temporary marriage and domestic red meat on the day of Khaybar. Narrated by Al Bukhaaree and Muslim.

Since they saw that the messenger of Allaah (may Allaah send salutations upon him) permitted temporary marriage and forbade it during the year of the conquest, they said: it was forbidden, then permitted, then forbidden.

Ash Shaafi'ee has said: I do not know of anything which has been forbidden, then permitted, then forbidden except for temporary marriage. Some have said that it was abrogated twice, and others have said that it was only abrogated during the year of the conquest. They have said: Ibn 'Abbaas held that temporary marriage and domestic red meat were lawful, so 'Alee responded by narrating that they were prohibited. As for domestic red meat, it was undoubtedly prohibited on the day of Khaybar. As for temporary

marriage, the time of prohibition was not mentioned as appears in the Musnad of Ahmad, thus some narrators were led to believe that both the former and latter were prohibited on the day of Khaybar. Thereafter, some held that only domestic red meat was prohibited on the day of Khaybar, and this is how the confusion began.

The companions did not enjoy Jewish women during the battle of Khaybar, nor did they seek the permission of the messenger of Allaah (may Allaah send salutations upon him) to do so. Consequently, there has been no mention of temporary marriage in this regard in contrast to the year of the conquest. This is the more accurate approach.

A third approach: the messenger of Allaah (may Allaah send salutations upon him) did not prohibit temporary marriage in general. Rather, he did so when it was unnecessary. This was the approach of Ibn 'Abbaas who used to say: temporary marriage is like a forbidden food which becomes lawful due to necessity. However, most people thought that he had permitted temporary marriage absolutely, so he maintained once again that it was forbidden.

Chapter

The Permissibility Of Sharecropping

Sharecropping is permissible, and the messenger of Allaah (may Allaah send salutations upon him) allowed the people of Khaybar to sharecrop until his death. As for the practice of the rightly guided successors, it does not abrogate sharecropping, and sharecropping is similar to a joint venture. Consequently, those who prohibit the former while permitting the latter differentiate between two synonymous entities.

Chapter

How Sharecropping Is Done

The messenger of Allaah (may Allaah send salutations upon him) gave land to the people of Khaybar. As a result, they were obliged to maintain it at their own expense. In addition, he did not provide seeds which proves that a landowner should not be asked to do so. In fact, this was the practice of his rightly guided successors. In addition, this practice conforms with analogy, because the earth resembles capital in a joint venture, and seeds are comparable to water since they die within the earth. However, if they were similar to capital, their return would be stipulated. Consequently, it is the analogy which conforms with the guidance of the messenger of Allaah (may Allaah send salutations upon him) and his rightly guided successors which is sound, and Allaah knows best.

Chapter

The Assessment Of Fruit At The Top Of The Date Palm

Fruit is assessed and divided at the top of the date palm, and this division is not trade.

No more than one person is needed to assess and distribute.

The imaam may nullify a peace treaty whenever he pleases.

A peace treaty may be conditional, because the prophet (may Allaah send salutations upon him) stipulated that wealth not be hidden.

One may rely upon signs in order to reach a decision, and the prophet (may Allaah send salutations upon him) said to Kinaana: (the treaty is near, and the wealth is nearer). Thereafter, he concluded that Kinaana was untruthful when he said that the wealth was depleted by war and expenses.

A breach of agreement nullifies a peace treaty, because the messenger of Allaah (may Allaah send salutations upon him) stipulated that the people of Khaybar could not hide their wealth. As a result, once they violated this condition, their lives and wealth became lawful. In fact, this was also the case during the reign of the commander of the faithful 'Umar Bin Al Khattaab.

A command can be rescinded before it is obeyed, because the prophet (may Allaah send salutations upon him) ordered the companions to break the pots, then he ordered them to wash them instead.

Meat which is not consumed does not become pure when slaughtered.

If one takes anything from the spoils before division, it is not his property, even if it is less than what he deserves. Rather, it becomes his property after division, and he said the following concerning the one who took the garment: (it has engulfed him in flames). As for the one who took the shoelace, he said: (it is a shoelace of fire).

An imaam may divide land which has been conquered by force or he may leave it, and the prophet (may Allaah send salutations upon him) did both upon the conquest of Khaybar.

Optimism is desirable when seeing or hearing a sign of victory.

Those who enjoy immunity may be banished once they are nonessential, and 'Umar banished the disbelievers after the death of the prophet (may Allaah send salutations upon him). This practice has also been endorsed by Muhammad Bin Jareer At Tabaree, and it may be implemented if the imaam sees fit.

It should not be said that the people of Khaybar did not enjoy immunity. Rather, they agreed to a peace treaty.

Although the jizya was not taken from the people of Khaybar, this does not mean that they did not enjoy immunity. Rather, it was not taken from them because it had not been imposed yet.

The duration of the peace treaty was contingent upon residency and could be nullified whenever the imaam pleased. This was the nature of the accord of immunity which Banoo Quraydha and Banoo An Nadeer accepted.

However, it was stipulated that they would no longer enjoy immunity if they breached their agreement, and the jizya was not taken from them since it had yet to be imposed.

The messenger of Allaah (may Allaah send salutations upon him) took women and children prisoner, and he did not discriminate between those who supported a breach of agreement and those actually did so. However, if an individual breached an agreement without the consent of others, his wife and children would not suffer the consequences.

A man may emancipate his female slave as a dowry and may marry her without consent, witnesses, or a guardian as the prophet (may Allaah send salutations upon him) did when he married Safiyya. He never said: only I can do this, nor did he indicate this even though he knew that his nation would emulate him. As for the companions, not one of them said that only he could do this. Rather, they conveyed the story of Safiyya to the nation, because the prophet (may Allaah send salutations upon him) never forbade them from emulating him in this regard. As for the glorified, he allowed only the prophet (may Allaah send salutations upon him) to marry a woman who offers herself as a gift when he said: **{only you may have her}** [Al Ahzaab/50].

If only he could emancipate a female slave as a dowry and marry her without consent, witnesses, or a guardian, then it would have to be mentioned since this type of marriage is more common than the previous type of marriage.

A man may lie concerning himself or another if this does not place the latter in jeopardy, and he may lie to assist one whose rights have may be violated. Al Hajjaaj Bin 'Allaat lied concerning the believers in order to obtain his wealth, and they did not suffer as a result of this lie. As for the believers in Makka who were grief stricken, their suffering was mild in light of the joy which they felt thereafter. In fact, when the truth came to light, their faith increased. Consequently, the greater good was achieved in the end. Similarly, Sulaymaan Bin Daawud lead one of the two women to believe that he would cut the baby in half, though he did this to discover who the actual mother was.

A man may have sexual intercourse with his wife while traveling, and she may ride with him amongst the soldiers.

One who poisons another and kills him is executed like the Jewish woman who killed Bishr Bin Al Baraa.

One may eat the meat of an animal which has been slaughtered by a person of the book, and their food is lawful.

One may accept a gift from a disbeliever. However, one may say: perhaps the woman was killed for breaching her agreement when she poisoned the sheep.

If that were true, she would have been executed when she confessed and not after Bishr Bin Al Baraa died.

One may ask: why was not she killed for breaching her agreement? This is the evidence of those who assert that the imaam is not obliged to execute such a person.

One may say: you insist the one who breaches an agreement be executed as Ahmad has stated. Whereas, Al Qaadee Aboo Ya'laa and those who have followed him have said: the imaam is not obliged to execute such a person.

If the story of the sheep took place before reconciliation, it is not a proof. Otherwise, there are two views regarding one who has killed a Muslim under these circumstances. Some say that he has breached his agreement, though must he be executed? If one wages war, he has breached his agreement, though the imaam is not obliged to execute him. Whereas, texts indicate otherwise concerning one who has committed murder. Based upon this, the woman who poisoned the sheep committed an act of aggression, thus the imaam was not obliged to kill her. However, when some of the believers died after being poisoned, her execution was mandatory, either for breaching her agreement, or for committing murder, and Allaah knows best.

Some have said that Khaybar was conquered by force, and others have said a portion of Khaybar was conquered without resistance. Aboo Daawud has narrated that Anas has said: the messenger of Allaah (may Allaah send salutations upon him) attacked Khaybar and we conquered it by force taking prisoners.

Ibn Ishaq has said: I questioned Ibn Shihaab who informed me that the messenger of Allaah (may Allaah send salutations upon him) conquered Khaybar by force.

Aboo Daawud has mentioned that Ibn Shihaab has said: I have been informed that the messenger of Allaah (may Allaah send salutations upon him) conquered Khaybar by force and people were displaced thereafter.

Ibn 'Abdil Barr has said: the truth of the matter is that Khaybar was conquered by force unlike Fidak where the messenger of Allaah (may Allaah send salutations upon him) divided the entire land amongst the horsemen who participated in the battle of Al Hudaibiyya. As for Khaybar, scholars agree that it was divided, though they have disagreed whether conquered land should be divided or donated.

The people of Koofa have said: the imaam may divide land if he pleases, because the messenger of Allaah (may Allaah send salutations upon him) did so at Khaybar. He may also donate land, because 'Umar did so in Iraq.

Ash Shaafi'ee has said: the entire land is divided, because the messenger of Allaah (may Allaah send salutations upon him) divided Khaybar as such, thus land is no different than other forms of wealth in this regard.

Maalik followed 'Umar maintaining that land should be donated, because

‘Umar differentiated between land and other forms of wealth in the presence of other companions. Zayd Bin Aslam has narrated that his father has said: I have heard ‘Umar say: the believers would always divide a village upon conquest as the messenger of Allaah (may Allaah send salutations upon him) did at Khaybar lest the latter be left with nothing. Narrated by Maalik.

This indicates that the entire land of Khaybar was divided as Ibn Ishaq has said.

As for those who say that only a portion of Khaybar was conquered by force, they are mistaken. Two fortresses were relinquished, and those who surrendered were not taken prisoner, thus some have assumed that reconciliation was the cause. However, they did not leave their land without resistance, thus it was seized and divided as well.

Yahya Bin Sa’eed and Basheer Bin Yasaar have narrated that the messenger of Allaah (may Allaah send salutations upon him) divided Khaybar in half; one half for him and one half for the believers. This has probably led people to believe that only a portion of Khaybar was conquered by force.

Aboo ‘Umar has said: if this narration is reliable, it would mean that one half was for him as well as others, because Khaybar was divided into thirty-six portions, and half of them were for the prophet (may Allaah send salutations upon him) and a segment of the companions. However, all who were given portions had participated in the battle of Al Hudaibiyya and the battle of Khaybar. As for the fortresses which were relinquished after battle, a reconciliation had not been reached. Otherwise, they would have remained the property of their owners like other forms of wealth. As a result, it is Aboo Ishaq who is correct and not Moosa Bin ‘Uqba.

Maalik has mentioned that Ibn Shihaab has narrated that a portion of Khaybar was conquered by force and another portion was conquered without resistance, and that Al Kutayba was conquered mostly by force.

Maalik has said that Az Zuhree has narrated that Ibn Al Musayyib has said: the messenger of Allaah (may Allaah send salutations upon him) conquered Khaybar by force.

Chapter

Waadee Al Qura

The messenger of Allaah (may Allaah send salutations upon him) traveled from Khaybar to Waadee Al Qura where a group of Arabs and Jews resided. Once the believers arrived, the Jews attacked them, and Mud’im the slave of the messenger of Allaah (may Allaah send salutations upon him) was killed, and he said: (by he in whose hand is my soul, the garment which he took from the spoils on the day of Khaybar will engulf him in flames). Once the people heard this, a man came to the prophet (may Allaah send salutations upon him) with one or two shoelaces, so the prophet (may Allaah

send salutations upon him) said: (one or two shoelaces of fire).

The messenger of Allaah (may Allaah send salutations upon him) prepared his companions for battle, and he gave his banner to Sa'd Bin 'Ubaada. He also gave flags to Al Habbaab Bin Mundhir, Sahl Bin Haneef, and 'Abbaad Bin Bishr. He then informed the people that their lives and wealth would be protected if they accepted Islaam. Consequently, Az Zubayr Bin Al 'Awwaam was confronted by two men whom he killed. He was then confronted by another man whom 'Alee Bin Abee Taalib killed, and this continued until eleven men were killed. Meanwhile, the prophet (may Allaah send salutations upon him) called the people to Islaam. He then lead his companions in prayer before returning to call the people to Islaam.

The messenger of Allaah (may Allaah send salutations upon him) remained for four days and divided the spoils amongst his companions, though allowed the Jews to keep their land. Once the Jews of Taymaa were informed of the agreement that the messenger of Allaah (may Allaah send salutations upon him) had reached with the people of Khaybar, Fidak, and Waadee Al Qura, they accepted a peace treaty. However, 'Umar Bin Al Khattaab banished the Jews of Khaybar and Fidak during his reign, though he did not banish the people of Taymaa and Waadee Al Qura, because he considered them residents of Syria.

As dawn approached, Bilaal leaned against his camel and fell asleep, though he, the messenger of Allaah (may Allaah send salutations upon him), and his companions did not awake until after sunrise. Thereafter, they departed and the messenger of Allaah (may Allaah send salutations upon him) said: (there is a demon in this valley). Once they traversed the valley, he ordered the companions dismount and to perform ablution. He then performed the voluntary dawn prayer before commanding Bilaal to utter the iqaama. After leading the companions in prayer, he said: (O people, Allaah seized our souls, and he would have returned them to us at another time had he pleased. Consequently, if you miss prayer due to sleep or forgetfulness, pray thereafter). The messenger of Allaah (may Allaah send salutations upon him) then looked at Aboo Bakr and said: (Shaytaan approached Bilaal as he prayed and made him recline, and then he made him relax until he fell asleep). Afterward, the messenger of Allaah (may Allaah send salutations upon him) called Bilaal and told him the same thing he told Aboo Bakr.

It has been narrated that this story took place as they returned from Al Hudaybiyya, and it has been narrated that it took place as they returned from the battle of Tabook. 'Imraan Bin Husayn has narrated that they slept past the dawn prayer, though he did not mention to what extent, nor did he mention during which battle this took place. Aboo Qataada has also narrated as such, and both narrations are part of a long story.

Zayd Bin Aslam has narrated that this story took place on the road to

Makka.

Shu'ba has narrated that Jaami' Bin Shaddaad has said: I have heard 'Abdur Rahman Bin Abee 'Alqama say: I have heard 'Abdullaah Bin Mas'ood say: the prophet (may Allaah send salutations upon him) asked during the battle of Al Hdaybiyya: (who will guard us) ? As a result, Bilaal replied: I will...However, 'Abdur Rahman Bin Mahdee and Shu'ba have narrated that Jaami' has said: Ibn Mas'ood was the guard. In addition, Al Mu'tamir Bin Sulaymaan and Shu'ba have narrated that Jaami' has said: this was during the battle of Tabook, and others have narrated that Jaami' has said: this took place as they returned from the battle of Al Hdaybiyya. This indicates an error, though the narration of Az Zuhree via Sa'eed is reliable, and success lies with Allaah.

Chapter

The Legal Benefit Of This Story

If one misses prayer due to sleep or forgetfulness, he may pray when awaking or remembering prayer.

Emphatic voluntary prayers remain outstanding like obligatory prayers, because the prophet (may Allaah send salutations upon him) performed the voluntary dawn prayer.

The aadhaan is called and the iqama is uttered for a missed prayer, because some narrations of this story state that he ordered Bilaal to call to prayer, and others state that he called to prayer and uttered the iqama. Narrated by Aboo Daawud.

A missed prayer should be performed immediately, because the prophet (may Allaah send salutations upon him) has said: (he should pray upon recollection). Although he did delay prayer, he did so because there was a demon in the valley.

One should not perform prayer in places such as bathrooms etc. , because they are the homes of demons. If the prophet (may Allaah send salutations upon him) said: (there is a Shaytaan in the valley) , what should be thought about the house of Shaytaan?

Chapter

The Muhaajiroon Return What They Received From The Ansaar Shortly After Their Return From Khaybar

When the messenger of Allaah (may Allaah send salutations upon him) returned to Al Madeena, the muhaajiroon returned the date palms which they received from the ansaar, because they obtained wealth and date palms at Khaybar. As a result, Umm Saleem the mother of Anas Bin Maalik gave the messenger of Allaah (may Allaah send salutations upon him) date vines which he gave to his slave Umm Ayman the mother of Usaama Bin Zayd. Thereafter, the messenger of Allaah (may Allaah send salutations upon him)

returned the date palm vines to Umm Saleem and gave Umm Ayman ten vines for each branch which he returned.

Chapter

The Armies Which The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Dispatched Shortly After His Return From The Conquest Of Khaybar

The messenger of Allaah (may Allaah send salutations upon him) remained in Al Madeena until Shawwaal after returning from Khaybar, and he dispatched armies within that time.

He sent the army of Aboo Bakr As Siddeeq to Najd where Salama Bin Al Akwa' received a female slave. Thereafter, the messenger of Allaah (may Allaah send salutations upon him) offered her in return for prisoners detained in Makka.

He sent 'Umar Bin Al Khattaab and thirty horsemen toward Hawaazin, though they fled once they learned that the believers were en route.

He sent 'Abdullaah Bin Rawaaha and thirty horsemen including 'Abdullaah Bin Anees to Yaseer Bin Razaam the Jew, because he was informed that he had united Ghatfaan against him.

He sent Basheer Bin Sa'd Al Ansaaree and thirty men to Fidak where he found a shepherd. Thereafter, he steered the livestock. However, they were found that night, so the army shot until Basheer had no more arrows. Thereafter, they returned with their livestock and Basheer went to Fidak where he stayed with a Jewish man as his wounds healed, then he returned to Al Madeena.

He sent an army to Juhayna which included Usaama Bin Zayd. Once they arrived, the commander stood and praised Allaah, then he said: I advise you to revere Allaah who is alone and has no partner, and I advise you to obey me. Thereafter, he organized the soldiers, and he commanded them not to disband. He said: when I utter the takbeer, respond and draw your swords in unison. Afterward, utter the takbeer, advance in unison, and surround the enemy.

Usaama pursued a man named Mirdaas Bin Naheek. When he found him, Mirdaas said: there is no deity worthy of worship except Allaah, and Usaama killed him. Thereafter, he steered livestock and drove children. As for their portion, each man received ten camels or their equivalent. Once they reached the messenger of Allaah (may Allaah send salutations upon him), they informed him of what Usaama had done. Consequently, he was alarmed, so he asked: (did he kill him after he said that there is no deity worthy of worship except Allaah)? Usaama said: rather, he said that to protect himself. He asked: (so why did not you open his heart)? He then asked: (what will you do on the day of resurrection)? He continued to repeat himself until Usaama wished that he did not accept Islaam until that day.

Chapter

Ghaalib Bin 'Abdillaah Al Laythee

The messenger of Allaah (may Allaah send salutations upon him) sent Ghaalib Bin 'Abdillaah Al Laythee to Qadeed.

Ibn Ishaq has said: Ya'qoob Bin 'Utba has informed me that Muslim Bin 'Abdillaah Al Juhnee has narrated that Jundub Bin Makeeth Al Juhnee has said: we proceeded until reaching Qadeed where we found Al Haarith Bin Maalik Bin Al Barsaa Al Laythee, so we captured him. He said: I have come to accept Islaam, so Ghaalib Bin 'Abdillaah said: if this is true, then twenty-four hours confinement will not hurt you. Meanwhile, we will verify your claim. He then tied him up and said to a black man: stay with him until we return.

We proceeded until reaching Al Qadeed in the late afternoon. Thereafter, I was told to return. A man spotted me upon a hill before sunset and said to his wife: I see a blackness upon the hill which I did not see this afternoon, so see if dogs have taken your tableware. She looked and said: by Allaah, I have not lost anything. He said: give me my bow and two arrows, and she did. He then shot me in my side and I removed the arrow, and he then shot me in the shoulder and I removed the arrow.

We did not attack until nightfall when all was quiet. Thereafter, we fled with Al Haarith Bin Maalik and his companion as the enemy approached, then Allaah the magnificent sent a downpour which they could not surmount.

Chapter

Basheer Bin Sa'd

The messenger of Allaah (may Allaah send salutations upon him) dispatched Basheer Bin Sa'd and 300 men. He commanded them to proceed by night and to hide by day, and they were accompanied by Haseel Bin Nuwayra the guide of the prophet (may Allaah send salutations upon him). Once they reached the outskirts of Khaybar, they attacked.

They captured two men whom they brought to the prophet (may Allaah send salutations upon him), and they accepted Islaam and he released them.

Chapter

Ibn Abee Hadrad

The messenger of Allaah (may Allaah send salutations upon him) dispatched Ibn Abee Hadrad and an army. Ibn Ishaq has mentioned that a man named Qays Bin Rifaa'a and a large group settled in the forest where they planned to wage war against the messenger of Allaah (may Allaah send salutations upon him).

Chapter

Muhlim Bin Juthaama

The messenger of Allaah (may Allaah send salutations upon him) sent an army to Idm which included Aboo Qataada and Muhlim Bin Juthaama. 'Aamir Bin Al Adbat Al Ashja'ee greeted them in passing, though Muhlim Bin Juthaama killed him and took his camel and belongings due to past event. Once they reached the messenger of Allaah (may Allaah send salutations upon him) , they informed him of what transpired, thus the following was revealed: **{O you who believer, when you travel for the sake of jihaad, do not say to one who greets you: you are not a believer. You wish to gain the world and Allaah has an abundance of spoils. You were once as such, so verify, and Allaah is indeed aware of your actions}** [An Nisaa/94].

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِذَا ضَرَبْتُمْ فِي سَبِيلِ اللَّهِ فَتَبَيَّنُوا وَلَا تَقُولُوا لِمَن ءَلْفَقَ إِلَيْكُمُ السَّلَامَ لَسْتَ مُؤْمِنًا تَبْتَغُونَ عَرَضَ الْحَيَوةِ الدُّنْيَا فَعِندَ اللَّهِ مَغَانِمُ كَثِيرَةٌ كَذَٰلِكَ كُنْتُمْ مِن قَبْلُ فَمَنْ أَتَذَكَّرُ﴾
 اللَّهُ عَلَيْكُمْ فَتَبَيَّنُوا إِنْ رَأَيْتُمُ اللَّهَ كَانَتْ بِمَا تَعْمَلُونَ خَيْرًا ﴿٩٤﴾ [النساء: 94]

Muhlim Bin Juthaama informed the messenger of Allaah (may Allaah send salutations upon him) of his action, so he asked: (did you kill him after he said: I believe in Allaah) ?

'Uyayna Bin Badr who was an eminent member of the tribe of Qays sought the bloodwit of 'Aamir Bin Al Adbat Al Ashja'ee during the year of Khaybar. Thereafter, the messenger of Allaah (may Allaah send salutations upon him) asked the family of 'Aamir: (would you accept fifty camels now and fifty more camels when we return to Al Madeena) ? However, 'Uyayna refused, and when Muhlim stood before the messenger of Allaah (may Allaah send salutations upon him) , he said: (O Allaah, do not forgive Muhlim).

Ibn Ishaq has said: his people claimed that he sought forgiveness for him thereafter, and Saalim Aboo An Nadir has said to me: they did not accept the bloodwit until Al Aqra' Bin Haabis stood and said: I shall bring fourth fifty members of Banoo Tameem who will testify that the one who was slain had never performed prayer.

Chapter

'Abdullaah Bin Hudhaafa As Sahmee

Sa'eed Bin Jubayr has narrated that Ibn 'Abbaas has said: Allaah the most high has said concerning 'Abdullaah Ibn Hudhaafa As Sahmee whom the messenger of Allaah (may Allaah send salutations upon him) dispatched: **{O you who believe, obey Allaah, his messenger, and those in authority}** [An Nisaa/59].

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِيَ الْأَمْرِ مِنْكُمْ﴾ [النساء: 59]

Narrated by Al Bukhaaree and Muslim.

Al A'mash, Sa'eed Bin 'Ubayda, and Aboo 'Abdir Rahmaan As Silmee, have narrated that 'Alee has said: the messenger of Allaah (may Allaah send salutations upon him) placed a man of the ansaar in command of an army, and he ordered them to obey him. He said: they angered him, so he said: gather some firewood for me, and they did. He said: light a fire, and they did. He asked: did not the messenger of Allaah (may Allaah send salutations upon him) command you to obey me? They replied: he certainly did. He said: enter the fire. He said: they looked at one another and said: rather, we fled from the fire unto the messenger of Allaah (may Allaah send salutations upon him). As a result, he became calm and the fire went out. Once they reached the messenger of Allaah (may Allaah send salutations upon him), they informed him of what transpired and he said: (had they entered the fire, they would have never emerged. Rather, one obeys in order to good). Narrated by Al Bukhaaree and Muslim.

The commander was 'Abdullaah Bin Hudhaafa As Sahmee.

One may say: had they entered the fire, they would have done so believing that they had obeyed Allaah and his messenger, so how could they remain in the fire?

One cannot obey creation while disobeying Allaah, and they were ordered to perform an act of defiance. Although they were obedient to the commander, their obedience did not cause them to defy Allaah and his messenger, because they knew that one who commits suicide is liable to punishment since Allaah has prohibited this act.

If this were the case regarding one who tortures himself out of obedience to the commander, then what about one who tortures a Muslim out of obedience to the commander?

If these companions would not have emerged from the fire even if they intended to obey Allaah and his messenger, then what about one who is wrongfully obedient in pursuit of a worldly objective?

If these companions would not have emerged from the fire even if they intended to obey the commander believing that they were obeying Allaah and his messenger, then what about the brothers of demons who enter fire leading the ignorant to believe that they are following a tradition of Ibraaheem? They think that they enter the fire in a divine state when they in fact enter it in a Satanic state. One who is unaware of this is deceived, and one who is aware of this is deceptive and leads people to believe that they are amongst the beloved of Allaah when they are in fact amongst the beloved of Shaytaan

Chapter

The ‘Umra Which Remained Outstanding

Naafi’ has said: this ‘umra was performed in Dhool Qa’da during the seventh year. Sulaymaan At Taymee has said: when the messenger of Allaah (may Allaah send salutations upon him) returned from Khaybar, he dispatched armies and remained in Al Madeena until the beginning of Dhool Qa’da, and then he made an announcement of departure.

Moosa Bin ‘Uqba has said: the messenger of Allaah (may Allaah send salutations upon him) departed the following year in the month of Dhool Qa’da, and it was in this month that the polytheists prevented him from reaching the sacred masjid.

The messenger of Allaah (may Allaah send salutations upon him) sent Ja’far Bin Abee Taalib to propose to Maymoona Bint Al Haarith Bin Huzn Al ‘Aamiriyya on his behalf. She allowed Al ‘Abbaas Bin ‘Abdil Muttalib to represent her, and her sister Umm Al Fadl was married to him.

Al ‘Abbaas married her to the messenger of Allaah (may Allaah send salutations upon him), and when the messenger of Allaah (may Allaah send salutations upon him) arrived, he said to his companions: (bare your shoulders and walk briskly during tawaaf), namely so that the polytheists would see their strength, and people of Makka watched the messenger of Allaah (may Allaah send salutations upon him) and his companions performed tawaaf. However, some men refused to watch the messenger of Allaah (may Allaah send salutations upon him) out of resentment.

The messenger of Allaah (may Allaah send salutations upon him) spent three days in Al Madeena, so Suhayl Bin ‘Amr and Huwaytib Bin ‘Abdil ‘Uzza came to him on the fourth day as he spoke with Sa’d Bin ‘Ubaada and exclaimed: we implore you to observe the treaty, because three days have passed. Sa’d Bin ‘Ubaada said: we will not depart.

Thereafter, the messenger of Allaah (may Allaah send salutations upon him) called Suhayl or Huwaytib and said: (I have married one of your women, so it would not hurt if I consummate the marriage so that you may join us for a feast). They said: we implore you to observe the treaty, so the messenger of Allaah (may Allaah send salutations upon him) instructed Aboo Raafi’ to depart with Maymoona that night. Meanwhile, he proceeded until reaching Sarf, and he remained there until Maymoona and those amongst her arrived. However, they were harassed by the polytheists, so he returned to Al Madeena after consummating his marriage, and Allaah decreed that Maymoona would be buried at Sarf.

Chapter

His Marriage To Maymoona

As for the following statement of Ibn ‘Abbaas: the messenger of Allaah (may Allaah send salutations upon him) married Maymoona having entered ihraam, and he consummated his marriage having left it, he is considered mistaken. Sa’eed Bin Al Musayyib has said: Ibn ‘Abbaas was mistaken, even though the messenger of Allaah (may Allaah send salutations upon him) did marry his aunt having left ihraam. Narrated by Al Bukhaaree.

Yazeed Bin Al Asamm has narrated that Maymoona has said: the messenger of Allaah (may Allaah send salutations upon him) married me at Sarf after both of us had left ihraam. Narrated by Muslim.

Aboo Raafi’ has said: the messenger of Allaah (may Allaah send salutations upon him) married Maymoona having left ihraam, and he consummated his marriage having left ihraam.

Sa’eed Bin Al Musayyib has said: ‘Abdullaah Bin ‘Abbaas claims that the messenger of Allaah (may Allaah send salutations upon him) married Maymoona having entered ihraam. Rather, the messenger of Allaah (may Allaah send salutations upon him) reached Makka not having entered ihraam and he married as such.

It has been said that he married her before entering ihraam, though this is questionable. In any event, three views exist in this regard:

1. He married Maymoona having left the ihraam of ‘umra, and Maymoona herself has said this, not to mention Aboo Raafi’, Sa’eed Bin Al Musayyib, and most narrators.

2. He married her having entered ihraam, and this has been said by Ibn ‘Abbaas and the people of Koofa.

3. He married her not having entered ihraam.

It has been said that Ibn ‘Abbaas meant that he married Maymoona during a sacred month and not that he did so having entered ihraam. It has also been said that a man enters ihraam when the sacred months begin.

‘Uthmaan Bin ‘Affaan has said: I have heard the messenger of Allaah (may Allaah send salutations upon him) say: (one who has entered ihraam does not propose or marry). However, if his statement contradicts his action, the former is chosen, because the latter no longer remains permissible in this case.

Chapter

When the messenger of Allaah (may Allaah send salutations upon him) sought to depart Makka, the daughter of Hamza began to cry: O uncle, O uncle. As a result, ‘Alee Bin Abee Taalib took her by the hand. Thereafter, Faatima began to carry her, so ‘Alee, Zayd, and Ja’far began to argue over her. ‘Alee said: she is my cousin. Ja’far said: she is my cousin and her aunt is my wife, and Zayd said: I am her uncle. Thereafter, the messenger of Allaah (may Allaah send salutations upon him) judged in favor of Faatima

saying: (an aunt is like a mother).

This story indicates that an aunt is most entitled to custody after the mother and father, and it also indicates that a woman does not lose custody if she marries a relative of the child. It has been narrated that Ahmad has said that she does not lose custody of a girl, and he has relied upon this story itself, and Al Hasan Al Basree has said: she does not lose custody whether the child be male or female.

three views exist in the regard:

1. Custody is lost upon marriage whether the child be male or female, and this has been said by Aboo Haneefa, Maalik, Ash Shaafi'ee, and Ahmad according to one narration.

2. Custody is not lost regardless of the circumstances, and this has been said by Al Hasan Al Basree and Ibn Hazm.

3. Custody is lost upon marriage if the child is a boy, and it has been narrated that Ahmad has said this. It has been narrated that he has said: if a mother remarries and her son is young, he is taken from her. Someone asked: is a girl like a boy in this regard? He replied: no, a girl remains with the mother until she reaches seven years of age. Ibn Abee Moosa has narrated that he has said that the mother is entitled to the daughter even if she remarries when she is mature.

4. Custody is not lost if a woman marries a relative of the child.

those who maintain this view have differed in three areas:

1. What Ahmad has said seems to indicate that custody is not lost in this case whether the relative is lawful or unlawful.

2. Aboo Haneefa has said that the relative must be unlawful for custody to remain.

3. Some of the companions of Maalik, Ash Shaafi'ee, and Ahmad have said that the relative of the child must be his grandfather for custody to remain.

This story supports those who choose the sister of the mother and not the sister of the father, and the mother and not the father. Reason being, he judged in favor of the sister or the mother. Whereas, Safiyya was the sister of the father. This was said by Aboo Haneefa, Maalik, Ash Shaafi'ee, and Ahmad according to one narration.

It has also been narrated that Ahmad has chosen the sister of the father, and this is the choice of our teacher. In reality, the female relatives of the father are most preferable and not the female relatives of the mother, because authority belongs to the father in essence. However, the mother is chosen instead of the father since women are more capable of child rearing. In any event, if only one gender is to be chosen from, the relatives of the father are most preferable. Similarly, the father is more preferable than any other male.

Although the sister of the mother was chosen, it should be noted that the

sister of the father did not seek custody, even though she was entitled to it.

Zayd said: my niece seeks the bond which the messenger of Allaah (may Allaa send salutations upon him) created with Hamza. In reality, he joined his companions as brothers twice, because he joined the muhaajiroon as brothers before migration, and he also joined the following companions as brothers:

Aboo Bakr and 'Umar

Hamza and Zayd Bin Haaritha

'Uthmaan and 'Abdur Rahmaan Bin 'Awf

Az Zubayr and Ibn Mas'ood

'Ubayda Bin Al Haarith and Bilaal

Mus'ab Bin 'Umayr and Sa'd Bin Abee Waqqaas

Aboo 'Ubayda and Saalim

Sa'eed Bin Zayd and Talha Bin 'Ubaydillaah

He then joined the ansaar and muhaajiroon as brothers in the home of Anas Bin Maalik once he reached Al Madeena.

Chapter

What Has Been Narrated Concerning The Repeated 'Umra

There is a discrepancy concerning the name of this 'umra, Al Waaqidee has said: 'Abdullaah Bin Naafi' has informed me that his father has narrated that Ibn 'Umar has said: this 'umra was not repeated. Rather, it was stipulated that the believers perform 'umra during the month in which they were confined by the polytheists.

scholars maintain four views in this regard:

1. If one is prevented from performing 'umra, he is obliged to offer a sacrifice and to perform 'umra thereafter, and this is the most well known narration of Ahmad.

2. If one is prevented from performing 'umra, he is obliged to offer a sacrifice, though he is not obliged to perform 'umra thereafter. This has been said by Maalik, Ash Shaafi'ee, and Ahmad according to Aboo Taalib.

3. If one is prevented from performing 'umra, he is obliged to offer a sacrifice, though he is not obliged to perform 'umra thereafter. This has been said by Aboo Haneefa.

4. If one is prevented from performing 'umra, he is not obliged to offer a sacrifice nor is he obliged to perform 'umra thereafter. It has been narrated that Ahmad has said this as well.

Those who say that one must offer a sacrifice and perform 'umra thereafter assert that the prophet (may Allaah send salutations upon him) and his companions acted as such. They also assert that 'umra remains outstanding and that one must offer a sacrifice since Allaah the most high has said: **{if you are hindered, then offer a sacrifice which is within your means}** [Al Baqara/196].

﴿فَإِنْ أَحْصَرْتُمْ فَمَا اسْتَيْسَرَ مِنَ الْهَدْيِ﴾ [البقرة: 196]

Those who say that one is not obliged to offer a sacrifice or to perform 'umra thereafter assert that the prophet (may Allaah send salutations upon him) did not enjoin the latter, and they assert that the former was not required for them to leave ihraam. Rather, he ordered them to shave their heads while only ordering those with sacrifices to slaughter.

Those who say that one is only obliged to offer a sacrifice assert that Allaah has said **{if you are hindered, then offer a sacrifice which is within your means}** [Al Baqara/196].

﴿فَإِنْ أَحْصَرْتُمْ فَمَا اسْتَيْسَرَ مِنَ الْهَدْيِ﴾ [البقرة: 196]

Those who say that one is not obliged to offer a sacrifice but is obliged to perform 'umra thereafter assert that when one embarks upon 'umra, it remains outstanding. Consequently, 'umra may be delayed due to an impediment. However, the Qur'aan refutes this view since it obliges one to offer a sacrifice and not to perform 'umra thereafter.

Chapter

Does One Slaughter If He Has Been Prevented From Performing 'Umra?

The prophet (may Allaah send salutations upon him) slaughtered while confined to Al Hudaybiyya which proves that one slaughters at the point which he has reached, provided that he has entered the ihraam of 'umra. As for one who has entered the ihraam of a combined or separate hajj, two views exist.

It has been said that one acts similarly since slaughtering is one of the two rites. In addition, the time of 'umra does not elapse, thus it is more appropriate in this case to slaughter at the point one has reached and to leave ihraam. It has been narrated that Ahmad has said: one may not slaughter and leave ihraam until the day of sacrifice. If one is unable to slaughter at the proper location, he must still do so at the proper time. Based upon this, one may not leave ihram until the day of sacrifice, and Allaah has said: **{do not shave your heads until the sacrifice has arrived}** [Al Baqara/196].

﴿وَلَا تَحْلِفُوا رءُوسَكُمْ حَتَّىٰ يَبْلُغَ الْهَدْيُ مَحَلَّهُ﴾ [البقرة: 196]

Chapter

Leaving Ihraam When Prevented From Performing 'Umra

The prophet (may Allaah send salutations upon him) slaughtered and left ihraam which proves that one may leave ihraam in this case. This is the majority opinion, though it has been narrated that Maalik has said that one

may not leave ihraam in this case. However, it is unlikely that he actually said this, because the verse was revealed at Al Hudaybiyya, and the prophet (may Allaah send salutations upon him) and all of his companions had entered the ihraam of 'umra and left it.

Chapter

Should One Remain Confined When Prevented From Performing 'Umra?

The prophet (may Allaah send salutations upon him) slaughtered at Al Hudaybiyya which all agree is not sacred ground. This proves that one slaughters at the point which he has reached. This is the majority opinion, though it has been narrated that Ahmad has said: he may only slaughter upon sacred ground, thus someone must transport his sacrifice and slaughter it for him, thereafter he may leave ihraam. It has been narrated that Ibn Mas'ood and a group of the taabi'oon have said this, it has also been narrated that Aboo Haneefa has said this.

If they actually said this, it would have to be mentioned that this applies to an individual who is accosted. Otherwise, the prophetic tradition indicates the opposite, and all agree that Al Hudaybiyya is not sacred ground. However, Ash Shaafi'ee has said that part of it actually is sacred ground.

I say: he meant that the outskirts of Al Hudaybiyya are sacred ground.

The companions of Ahmad have differed concerning one who is capable of slaughtering at the outskirts of the sacred land.

The truth of the matter is that he is not obliged to slaughter in this case, because the prophet (may Allaah send salutations upon him) slaughtered where he was, although he was capable of doing so at the outskirts of the sacred land. In addition, Allaah the glorified has informed us that the sacrifice was prevented from arriving, and it is well known that the blockade continued throughout the year.

Chapter

Mu'ta

Mu'ta is located in Syria, and this battle took place in the month of Jumaada Al Uwla during the eighth year. As for the cause of this battle, the messenger of Allaah (may Allaah send salutations upon him) sent Al Haarith Bin 'Umayr Al Azadee of Banoo Lahab to Syria with a letter for the king of Rome or Basra. However, he was accosted by Shurahbeel Bin 'Amr Al Ghassaanee who tied him up. Thereafter, he killed him. He was the only messenger of the prophet (may Allaah send salutations upon him) who had ever been killed. As a result, he was devastated, so he sent forth an army placing Zayd Bin Haaritha in command, and he said: (if he is stricken, then Ja'far Bin Abee Taalib is commander, and if he is stricken, then 'Abdullaah

Bin Rawaaha is commander).

An army of 3, 000 men prepared for battle. Thereafter, the people bid the commanders of the messenger of Allaah (may Allaah send salutations upon him) farewell as they departed, and 'Abdullaah Bin Rawaaha began to weep, so they asked him: why do you weep? He replied: I have heard the messenger of Allaah (may Allaah send salutations upon him) recite a verse in which the fire is mentioned: **{each one of you shall reach the fire}** [Maryam/71].

﴿وَلِإِنْ مِنْكُمْ إِلَّا وَارِدُهَا كَانَ عَلَىٰ رَبِّكَ حَتْمًا مَقْضِيًّا﴾ [مریم: 71]

The believers said: your lord will bring you to safety.

Thereafter, they proceeded until reaching Ma'aan where they learned that Heracles had reached Al Balqaa with 100, 000 soldiers, so they remained for two nights discussing their next move. They said: we will send a letter to the messenger of Allaah (may Allaah send salutations upon him) informing him of the amount of soldiers we will fight. Consequently, he will send support or give us instructions. Thereafter, 'Abdullaah Bin Rawaaha said: we do not fight with strength. Rather, we fight with this religion which Allaah has honored us with. Advance, because we will either achieve victory or martyrdom.

The believers proceeded until meeting the enemy at Mu'ta, and they fought while Zayd Bin Haaritha held the banner. Zayd Bin Haaritha fought until Ja'far took the banner, and Ja'far fought until he was exhausted. He then returned to battle where he fought until death, and he was thirty-three years of age. In fact, his right hand was severed, so he held the banner with his left hand. Thereafter, his left hand was severed, so he embraced it. Thereafter, 'Abdullaah Bin Rawaaha held the banner as he rode, then he took his sword and fought until death. Finally, Thaabit Bin Aqram took the flag and Khaalid Bin Al Waleed led the army.

Ibn Sa'eed has said that the believers lost the battle, though it has been narrated in Saheeh

Al Bukhaaree that the Romans lost the battle. However, the truth of the matter is that both sides retreated as Ibn Ishaq has mentioned.

The messenger of Allaah (may Allaah send salutations upon him) said about Ja'far: (Allaah has replaced his hands with two wings, and he flies throughout paradise as he pleases).

Aboo 'Umar has said: we have narrated that Ibn 'Umar has said: we found ninety sword and spear wounds between the chest and shoulders of Ja'far.

Moosa Bin 'Uqba has said: Ya'la Bin Maniyya came to the messenger of Allaah (may Allaah send salutations upon him) with information regarding the people of Mu'ta, so the messenger of Allaah (may Allaah send

salutations upon him) said to him: (you may inform me if you please, and I will inform you if I please). He said: inform me O messenger of Allaah, so he told him about the people of Mu'ta. As a result, he said: by he who has sent you with the truth, you have conveyed their speech completely and accurately, so the messenger of Allaah (may Allaah send salutations upon him) said: (Allaah raised the earth for me until I saw the battle).

those who achieved martyrdom that day:

Ja'far

Zayd Bin Haaritha

'Abdullaah Bin Rawaaha

Mas'ood Bin Al Aswad

Wahb Bin Sa'd Aboo Sarh

'Abbaad Bin Qays

Haaritha Bin An Nu'maan

Suraaqa Bin 'Amr Bin 'Atiyya

Aboo Kulayb and Jaabir the sons of 'Amr Bin Zayd

'Aamir and 'Amr the sons of Sa'eed Bin Al Haarith

Others were martyred as well.

Chapter

Dhaat As Salaasil

Dhaat As Salaasil is a ten day journey from Al Madeena, and the battle of Dhaat As Salaasil took place in the month of Jumaada Ath Thaanee during the eighth year.

Ibn Sa'd has said: the messenger of Allaah (may Allaah send salutations upon him) was informed that a group had intended to reach the outskirts of Al Madeena, so the messenger of Allaah (may Allaah send salutations upon him) called 'Amr Bin Al 'Aas and gave him a white banner and a black flag. He was joined by 300 men and thirty of them were horsemen. He was commanded to seek the aid of those passing by, and he advanced by night and slept by day.

As he approached the enemy, he was informed that they were many, so he sent Raafi' Bin Makeeth Al Juhanee to the messenger of Allaah (may Allaah send salutations upon him) to seek support. As a result, he dispatched 'Ubayda Bin Al Jarraah and 200 men, and he gave him a banner. Aboo Bakr and 'Umar were amongst the muhaajiroon and ansaar who were dispatched, and 'Ubayda Bin Al Jarraah was commanded to join 'Amr and not to separate from him. However, once he joined him, he sought to lead prayer, so 'Amr reminded him that he was the commander. Thereafter, 'Amr lead prayer, and the believers proceeded until reaching the land of Qadaa'a. However, the people of Qadaa'a fled and disbanded. Thereafter, 'Awf Bin Maalik Al Ashja'ee sent the messenger of Allaah (may Allaah send salutations upon him) a message informing him of what had transpired.

Ibn Ishaq has mentioned that the believers reached a body of water named As Salsal, hence this battle was entitled As Salaasil.

Ahmad has said: Muhammad Bin 'Adee has informed us that Daawud has narrated that 'Aamir has said: the messenger of Allaah (may Allaah send salutations upon him) sent an army to Dhaat As Salaasil, and he placed Aboo 'Ubayda in command of the muhaajiroon while placing 'Amr Bin Al 'Aas in command of the Arabs. They were commanded to attack Bakr, so 'Amr went fourth and attacked Qadaa'a, because Bakr were his uncles. Consequently, Al Mugheera Bin Shu'ba went to 'Ubayda and said: the messenger of Allaah (may Allaah send salutations upon him) has placed you in command of us, though the son of so and follows others. Consequently, Aboo 'Ubayda said: I obey the messenger of Allaah (may Allaah send salutations upon him) although 'Amr does not.

Chapter

The Nocturnal Emission Of 'Amr Bin Al 'Aas

The commander of this army 'Amr Bin Al 'Aas experienced nocturnal emission during a cold night. Consequently, he was fearful of bathing, so he performed tayammum before performing the dawn prayer. When the companions informed the prophet (may Allaah send salutations upon him) of this, he said: (O 'Amr, you joined your companions in prayer while impure). As a result, he informed him of what had prevented him from bathing, and he said: I have heard Allaah say: **{do not kill yourselves, and Allaah is merciful unto you}** [An Nisaa/29].

﴿وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا﴾ [النساء: 29]

Thereafter, the messenger of Allaah (may Allaah send salutations upon him) began to laugh, though he did not say anything.

Those who assert that tayammum does not remove impurity rely upon this story, because the prophet (may Allaah send salutations upon him) considered 'Amr impure after he had performed tayammum. However, those who disagree have offered three responses:

1. When the companions complained about him, they said: he performed the dawn prayer with us while impure, so the messenger of Allaah (may Allaah send salutations upon him) asked: (did you pray with your companions while impure) ? !However, once he informed him that he had performed tayammum out of necessity, he affirmed his decision.

2. It has also been narrated that he washed certain parts of his body before performing ablution, and that he joined his companions in prayer without mentioning tayammum. In fact, it seems that this narration is more reliable than the previous one. 'Abdul Haqq has said: this narration is more reliable than the first, because it has been conveyed via 'Abdur Rahmaan

Bin Jubayr Al Misree, Aboo Qays, and 'Amr. Whereas, the first narration has been conveyed via 'Abdur Rahmaan Bin Jubayr and 'Amr Bin Al 'Aas, though Aboo Qays has not been mentioned between them.

3. The prophet (may Allaah send salutations upon him) wanted to know why 'Amr neglected to bathe, so he asked: (do you join your companions in prayer while impure) ? Once he told him that he performed tayammum out of necessity, he did not criticize him. In addition, 'Amr was fearful due to the cold, and one may pray having performed tayammum in this case. As a result, it is clear that he simply wanted to know why he did what he did, and Allaah knows best.

Chapter **Al Khabat**

Aboo 'Ubayda Bin Al Jarraah was placed in command, and this battle took place in Rajab during the eighth year as Al Haafidh Aboo Al Fath Muhammad Bin Sayyid An Naas has informed us in his book 'Uyoon Al Athar.

They have said: the messenger of Allaah (may Allaah send salutations upon him) dispatched Aboo 'Ubayda Bin Al Jarraah and 300 of the muhaajiroon and ansaar including 'Umar Bin Al Khatthaab. They were sent to a neighborhood of Juhayna near the coast which is a five night journey from Al Madeena, and they became famished while en route. As a result, they ate leaves, and then a whale washed ashore which they also ate. Afterward, they departed having not met the enemy.

This is questionable, because it has been narrated in Al Bukhaaree and Muslim that Jaabir has said: the messenger of Allaah (may Allaah send salutations upon him) sent us and 300 horsemen in search of a caravan of the Quraysh, and Aboo 'Ubayda Bin Al Jarraah was our commander. We became so hungry that we ate leaves, thus the soldiers were entitled the army of leaves. Thereafter, a man slaughtered nine camels, though Aboo 'Ubayda forbade him to continue, then a beast called amber washed ashore. Consequently, we ate from it for two weeks...Once we reached Al Madeena, we informed the messenger of Allaah (may Allaah send salutations upon him) of what transpired, so he said: (that is sustenance which Allaah has brought fourth for you, so do you have any left) ? Consequently, we sent some of the meat to the messenger of Allaah (may Allaah send salutations upon him) and he ate it.

The sequence of this story indicates that this offensive took place before reconciliation and the 'umra of Al Hudaybiyya, because once the peace agreement had been reached at Al Hudaybiyya, caravans were no longer sought until the time of the conquest. In addition, it is unlikely that this offensive took place twice, namely once before reconciliation and once

afterward, and Allaah knows best.

Chapter

The Legal Benefit Of This Story

Combat is permissible during the sacred months if this offensive actually took place in Rajab, though it seems that it did not, and Allaah knows best. In reality, it has not been documented that the prophet (may Allaah send salutations upon him) launched any type of offensive during the sacred months. In fact, the polytheists said in the story of Al 'Allaa Bin Al Hadramee: Muhammad has made the sacred month lawful, thus Allaah revealed the following verse: **{they question you concerning combat during the sacred months, say it is a major sin}** [Al Baqara/217].

﴿يَسْأَلُونَكَ عَنِ الشَّهْرِ الْحَرَامِ قِتَالٍ فِيهِ قُلْ قِتَالٌ فِيهِ كَبِيرٌ﴾ [البقرة: 217]

This has not been abrogated by text nor consensus. As for the following verse: **{once the sacred months have passed, kill the polytheists wherever you find them}** [At Tawba/5].

﴿فَإِذَا انسَلَخَ الْأَشْهُرُ الْحُرُمُ فَاقْتُلُوا الْمُشْرِكِينَ حَيْثُ وَجَدْتُمُوهُمْ﴾ [التوبة: 5]

It is not a proof, because the aforementioned sacred months were months of security for the polytheists. They began upon the tenth of Dhool Hijja and ended upon the tenth of Rabee' Ath Thaanee.

One may eat leaves and foliage due to hunger.

The imaam or commander may forbid the soldeirs to slaughter the animals which they ride if they may be needed during combat, and obedience is mandatory in this case.

One may eat dead sea animals since they are not included in the following verse: **{dead animals and blood have been declared unlawful}** [Al Maa'ida/3].

﴿حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالدَّمُ﴾ [المائدة: 3]

Allaah has also said: **{the game of the sea and it's food have been declared lawful}** [Al Maa'ida/96].

﴿أَحَلَّ لَكُم صَيْدُ الْبَحْرِ وَطَعَامُهُ مَتَّعْنَاكُمْ﴾ [المائدة: 96]

Aboo Bakr As Siddeeq, 'Abdullaah Bin 'Abbaas, and a group of companions have said that the food of the sea is what dies therein.

It has been narrated in the Sunan that Ibn 'Umar has said: two dead animals and two types of blood have been declared lawful. As for the two dead animals, they are fish and locusts. As for the two types of blood, they are liver and spleen. An authentic (hasan) prophetic tradition.

This is considered a prophetic tradition, because when a companion says:

such and such was declared lawful or unlawful, the injunction is attributed to the prophet (may Allaah send salutations upon him).

One may say: the companions were compelled to eat the whale, thus they initially said: it is dead. They also said: we are the messengers of the messenger of Allaah (may Allaah send salutations upon him) and we are compelled to eat the whale. This proves that they would not have done so had they had an alternative.

The companions were undoubtedly forced to eat the whale, though Allaah provided them with lawful sustenance. In addition, the prophet (may Allaah send salutations upon him) asked upon their arrival: (do you have any meat left) ? They replied: yes, so the prophet (may Allaah send salutations upon him) ate the meat, and he said: (it is sustenance which Allaah has brought forth for you). However, if this was the sustenance of one who had no alternative, the prophet (may Allaah send salutations upon him) would not have partaken of it. In addition, many scholars do not allow one to eat until he becomes full in this case. Whereas, the companions ate until they became fat, and they also gave meat to others.

One may say: you could rely upon this story to prove your point if the whale died in the ocean. However, it could have washed ashore alive and died thereafter, and this is how sea animals are slaughtered.

This is highly improbable, because if the whale were alive, it would have been so beneath the sea and not at shore. In addition, if the cause of death is uncertain in this case, the animal is unlawful, because the prophet (may Allaah send salutations upon him) said about game which is hunted with an arrow and found in water: (if you find it within the water, do not eat it, because you will not know whether it was the water or your arrow which killed it).

Chapter

The companions were allowed to exercise legal reasoning in response to various incidents during the life of the prophet (may Allaah send salutations upon him) , and he affirmed their judgement. However, they only did so when unable to refer to texts. In fact, Aboo Bakr and 'Umar exercised legal reasoning amongst the messenger of Allaah (may Allaah send salutations upon him) on several occasions, and he affirmed their judgement. However, they did not do so in response to general issues, nor did any other companion.

Chapter

The Grand Conquest

The prophet (may Allaah send salutations upon him) reigned supreme upon the grand conquest where multitudes accepted the religion of Allaah, and the face of the earth shined brilliantly.

The prophet (may Allaah send salutations upon him) departed while accompanied by the soldiers of Allaah on the tenth of Ramadaan during the eighth year. He placed Aboo Rahm Kulthoom Bin Husayn Al Ghifaaree in command of Al Madeena, though Ibn Sa'd has said that he placed 'Abdullaah Bin Umm Maktoom in command of Al Madeena.

As for the cause of the grand conquest, the foremost authority on the biography of the prophet (may Allaah send salutations upon him) Muhammad Bin Ishaq Bin Yasaar has said: Banoo Bakr Bin 'Abdi Munaa Bin Kinaana fought Khuzaa'a at a body of water named Al Wateer. As for the cause of this attack, there was a man of the tribe of Banoo Al Hadraamee named Maalik Bin 'Abbaad. He emerged for the sake of trade and was robbed and killed upon reaching the land of Khuzaa'a. Consequently, Banoo Bakr killed a member of the tribe of Khuzaa'a, so the tribe of Khuzaa'a killed Banoo Al Aswad at 'Arafa, namely Salma, Kulthoom, and Dhu'ayb. However, this all occurred before revelation.

However, when the messenger of Allaah (may Allaah send salutations upon him) was sent with Islaam, the people became preoccupied with him. Thereafter, the messenger of Allaah (may Allaah send salutations upon him) and the tribe of Quraysh agreed to a peace treaty at Al Hudaybiyya, and it was stipulated that one could include himself in the treaty of the former or the latter. As a result, the tribe of Banoo Bakr included themselves in the treaty of the tribe of the Quraysh and the tribe of Khuzaa'a included themselves in the treaty of the messenger of Allaah (may Allaah send salutations upon him).

Banoo Bakr wished to attack Khuzaa'a as an act of revenge in the midst of the peace treaty. As a result, Nawfal Bin Mu'aawiya Ad Daylee and other members of the tribe of Banoo Bakr attacked the tribe of Khuzaa'a at Al Wateer with help from the tribe of Quraysh. Ibn Sa'd has mentioned that Safwaan Bin Umayya, Huwaytib Bin 'Abdil 'Uzza, and Mukriz Bin Hafs were amongst those who aided the tribe of Khuzaa'a.

After the tribe of Khuzaa'a was driven to the haram, the tribe of Banoo Bakr said: seek revenge. Meanwhile, the tribe of Khuzaa'a sought refuge in the home of Badeel Bin Warqaa Al Khuzaa'ee and the home of Raafi'. In fact, 'Amr Bin Saalim Al Khuzaa'ee reached the messenger of Allaah (may Allaah send salutations upon him) as he sat in the masjid in Al Madeena.

'Amr Bin Saalim said: we were attacked and we have accepted Islaam, so the messenger of Allaah (may Allaah send salutations upon him) said: (you will be victorious O 'Amr Bin Saalim). Thereafter, Badeel Bin Warqaa and a group reached the messenger of Allaah (may Allaah send salutations upon him) and informed him that the tribe of Banoo Bakr had attacked them with the aid of the tribe of the Quraysh. Thereafter, they returned to Makka.

Badeel Bin Warqaa and his companions proceeded until reaching Aboo

Sufyaan Bin Harb at 'Asfaan, and the Quraysh had sent him to the messenger of Allaah (may Allaah send salutations upon him) so that the peace treaty could be extended. In any event, Aboo Sufyaan asked Badeel Bin Warqaa: where have you come from O Badeel? He replied: I have been in this valley. He asked: have you not gone to Muhammad? He replied: no. However, after Badeel went to Makka, Aboo Sufyaan discovered that he actually had gone to the prophet (may Allaah send salutations upon him).

Aboo Sufyaan proceeded until reaching Al Madeena where he came to his daughter Umm Habeeba. Thereafter, he attempted to sit on the bed of the messenger of Allaah (may Allaah send salutations upon him) , though she did not allow him to do so. She said: this is the bed of the messenger of Allaah (may Allaah send salutations upon him) , and you are an unclean polytheist. He said: evil has befallen you.

He spoke to the messenger of Allaah (may Allaah send salutations upon him) , though he did not respond. As a result, he asked Aboo Bakr to speak to him, though he refused. He then asked 'Umar Bin Al Khattaab to speak to him, though he refused as well, so he went to 'Alee Bin Abee Taalib. However, he informed him that the decision of the messenger of Allaah (may Allaah send salutations upon him) was final. Consequently, he said: O Aboo Al Hasan, I am in great difficulty, so advise me. He said: by Allaah, I do not know of a solution.

Once Aboo Sufyaan reached the Quraysh, they asked: what have you done? He replied: I spoke to Muhammad, though he did not respond. I spoke to Ibn Abee Quhaafa, though he did not treat me well. I spoke to 'Umar Bin Al Khattaab who the most hostile, and I spoke to 'Alee who was kind.

The messenger of Allaah (may Allaah send salutations upon him) commanded the people to prepare for battle, and he commanded his family to assist him. Thereafter, Aboo Bakr asked his daughter 'Aa'isha: has the messenger of Allaah (may Allaah send salutations upon him) ordered you to assist him? She replied: yes.

Haatib Bin Abee Balta'a informed the Quraysh in writing that the messenger of Allaah (may Allaah send salutations upon him) was en route, though he discovered what Haatib had done through revelation. As a result, he dispatched 'Alee and Az Zubayr, though Ibn Ishaaq has said that he dispatched 'Alee, Az Zubayr, and Al Miqdaad. In any event, they ultimately apprehended the messenger, so they asked: do you have a letter? She replied: no, so they searched for it, though they did not find it. Consequently, 'Alee said: I swear by Allaah that the prophet (may Allaah send salutations upon him) nor ourselves have lied. You shall hand over the letter or we shall strip you. Once she realized that he was determined to obtain the letter, she gave it to him.

Thereafter, they returned to the messenger of Allaah (may Allaah send salutations upon him) with the letter, so he called Haatib and asked: (what is this O Haatib) ? He replied: do not be hasty O messenger of Allaah. By Allaah, I indeed believe in Allaah and his messenger. I have relatives who are members of the tribe of Quraysh, though I myself am not. Consequently, they are without protection, so I sought support. Thereafter, 'Umar said: O messenger of Allaah, allow me to kill him, because he is a hypocrite who has betrayed Allaah and his messenger. Consequently, the messenger of Allaah (may Allaah send salutations upon him) said: (he participated in the battle of Badr). He then said: (do as you please, because I have forgiven you) , thus 'Umar began to cry and said: Allaah and his messenger know best.

The messenger of Allaah (may Allaah send salutations upon him) and his companions proceeded while fasting, and the broke fast upon reaching Qadeed.

He proceeded while joined by 10, 000 people, though Allaah prevented the Quraysh from spotting them. However, Al 'Abbaas and his family departed before them, and he met the the messenger of Allaah (may Allaah send salutations upon him) at Al Juhfa. He also met his cousins Aboo Sufyaan Al Haarith and 'Abdullaah Bin Abee Umayya at Al Abwaa, though he left them since they had abused him in the past, so Umm Salama said: others have trated you worse.

Aboo 'Umar has narrated that 'Alee said to Aboo Sufyaan: say to the the messenger of Allaah (may Allaah send salutations upon him) what the brothers of Yoosuf said to him: **{by Allaah, he has preferred you instead of us, and we have indeed done wrong}** [Yoosuf/91].

﴿تَاللّٰهِ لَقَدْ ءَاثَرَكُ اللّٰهُ عَلَيْنَاوَاِنْ كُنَّا لَخٰطِئِيْنَ﴾ [يوسف:91]

Once Aboo Sufyaan said this, the messenger of Allaah (may Allaah send salutations upon him) said to him: **{you are not blameworthy. Allaah has forgiven you this day, and he is the most merciful}** [Yoosuf/92].

﴿لَا تَنْرِيْبَ عَلَيْكُمُ الْيَوْمَ بِغُفْرِ اللّٰهِ لَكُمْ وَهُوَ اَرْحَمُ الرَّحِيْمِيْنَ﴾ [يوسف:92]

Aboo Sufyaan became a good Muslim and it has been said that he did not look directly at the messenger of Allaah (may Allaah send salutations upon him) out of shyness since he accepted Islaam. In fact, the messenger of Allaah (may Allaah send salutations upon him) loved him and declared that he would enter paradise, and he said upon his death bed: do not weep. By Allaah, I have not said anything wrong since I have accepted Islaam.

When the messenger of Allaah (may Allaah send salutations upon him) settled for the night, he ordered the army to light fires, thus 10, 000 fires were lit. He then placed 'Umar Bin Al Khattaab on guard, and Al 'Abbaas

mounted the white mule of the messenger of Allaah (may Allaah send salutations upon him) and proceeded, then he heard Aboo Sufyaan, Badeel, and Warqaa. Aboo Sufyaan said: I have never seen as much fire as I have seen tonight, nor have I seen an army this great. Badeel said: by Allaah, this is the tribe of Khuzaa'a, and Aboo Sufyaan said: the tribe of Khuzaa'a is not this great. Al 'Abbaas said: I recognized his voice so I said: Aboo Handhala, and he recognized my voice and said: Aboo Al Fadl. I said: yes.

Thereafter, Al 'Abbaas brought Aboo Sufyaan to the messenger of Allaah (may Allaah send salutations upon him), and as he passed the believers, they asked: who is that. Once they saw Al 'Abbaas upon the mule of the messenger of Allaah (may Allaah send salutations upon him), they said: the uncle of the messenger of Allaah (may Allaah send salutations upon him) is riding his mule. Once I reached the fire of 'Umar Bin Al Khattaab, he asked: who is this? He then stood, and once he saw Aboo Sufyaan, he said: Aboo Sufyaan is the enemy of Allaah.

Al 'Abbaas said to him once they reached the messenger of Allaah (may Allaah send salutations upon him): declare that there is no deity worthy of worship except Allaah and that Muhammad is the messenger of Allaah before you are killed, so he accepted Islaam. As a result, Al 'Abbaas said: Aboo Sufyaan is a man of pride, so tell him something which will make him proud. He said: (if one enters the home of Aboo Sufyaan, he will be safe. If one locks his door, he will be safe, and if one enters the sacred masjid, he will be safe).

He commanded Al 'Abbaas to detain Aboo Sufyaan until the soldiers of Allaah arrived, and he did. Thereafter, the tribes began to pass them by, and whenever a tribe passed, Aboo Sufyaan would ask: O 'Abbaas who is this? He replied reply: Saleem. He asked: O 'Abbaas, who is this? He replied: Mazeena, and this continued until no more tribes passed. Once the messenger of Allaah (may Allaah send salutations upon him) and his companions passed, he asked: O 'Abbaas who are they? I replied: this is the messenger of Allaah (may Allaah send salutations upon him) and the muhaajiroon and the ansaar. He said: by Allaah O 'Abbaas, the dominion of your nephew has become great this day. He said: O Aboo Sufyaan, this is prophethood.

Sa'd Bin 'Ubaada held the flag of the Ansaar, and when he passed Aboo Sufyaan, he said: Allaah has disgraced the Quraysh today.

The messenger of Allaah (may Allaah send salutations upon him) took the flag from Sa'd and gave it to his son Qays. However, Aboo 'Umar has said: it has been narrated that the prophet (may Allaah salutations upon him) took the flag from Sa'd and gave it to Az Zubayr.

Aboo Sufyaan proceeded until reaching the Quraysh where he exclaimed: O Quraysh, Muhammad has come to you, and whoever enters the home of

Aboo Sufyaan will be safe. As a result, Hind Bint 'Utba grabbed his moustache and called for his death, so he said: do not be deceived by her, because Muhammad has come to you, and whoever enters the home of Aboo Sufyaan will be safe, and whoever enters the masjid will be safe. They said: may Allaah fight you, your home will be of no avail. He said: whoever locks his door will be safe, and whoever enters the masjid will be safe. Consequently, the people entered their homes and the masjid.

The messenger of Allaah (may Allaah send salutations upon him) proceeded until entering Makka upon the upper path, and he commanded Khaalid Bin Al Waleed to enter upon the lower path. He was upon the right flank and was joined by Arab tribes while Aboo 'Ubayda was joined by those who had no weapons. Meanwhile, the fools of the Quraysh joined 'Ikrima Bin Abee Jahl, Safwaan Bin Umayya, and Suhayl Bin 'Amr in order to fight the believers, and Hamaas Bin Qays Bin Khaalid gathered weapons before the arrival of the messenger of Allaah (may Allaah send salutations upon him).

Hamaas joined Safwaan, 'Ikrima, and Suhayl and they fought the believers. As for the latter, Karaz Bin Jaabir Al Fihree and Khunays Bin Khaalid Bin Rabee'a were killed. They were a part of the cavalry of Khaalid Bin Waleed, though traveled a path other than his and were both killed. As for the polytheists, they suffered twelve casualties and were ultimately defeated. In fact, Hamaas went home and told his wife to lock the door.

The messenger of Allaah (may Allaah send salutations upon him) entered the masjid while completely surrounded by the ansaar and muhaajiroon. Thereafter, he greeted the black stone and performed tawaaf holding his bow. There were 360 idols around and upon the house, so he began knocking them down while saying: **{say the truth has arrived and falsehood has vanished, and falsehood indeed dissipates}** [Al Israa/81].

﴿وَقُلْ جَاءَ الْحَقُّ وَزَهَقَ الْبَاطِلُ إِنَّ الْبَاطِلَ كَانَ زَهُوقًا﴾ [الإسراء: 81]

{Say the truth has arrived and falsehood dissipates} [Saba'/49].

﴿وَقُلْ جَاءَ الْحَقُّ وَمَا يُبْدِئُ الْبَاطِلُ وَمَا يُعِيدُ﴾ [سبأ: 49]

Meanwhile, the idols fell face first.

He performed tawaaf while mounted and did no more since he had not entered ihraam. Thereafter, he called 'Uthmaan Bin Talha and received the key to the ka'ba from him, and then it was opened. Once he entered it, he saw images, and he a depiction of Ibraaheem and Ismaa'eel engaging in divination with arrows, thus he said: (may Allaah fight them. By Allaah, they never engaged in divination with arrows).

He saw a depiction of Hamaama, so he broke it and ordered that all images be destroyed.

He locked the door while joined by Usaama and Bilaal, then he faced the wall which faced the door and performed prayer. He then walked around uttering the takbeer and the tahleel. Afterward, he opened the door to discover that the Quraysh had filled the masjid awaiting his next move.

He said: (I will say to you what Yoosuf said to his brothers: you are not blameworthy this day, disperse for you have accepted Islaam).

Ibn Sa'd has mentioned in At Tabaqaat that 'Uthmaan Bin Talha has said: we used to open the ka'ba on Monday and Thursday before Islaam. However, the messenger of Allaah (may Allaah send salutations upon him) and some people arrived one day seeking entry. Although I was coarse, he remained calm. He then said: (O 'Uthmaan, you may see this key in my hand one day, and I may place it where I please). I said: the Quraysh will be ruined. He said: (rather, they will be honored).

He said on the day of conquest: (O 'Uthmaan, bring me the key) , so I brought it to him. He then returned it and said: (only a wrongdoer will take it from you. O 'Uthmaan, Allaah has entrusted you with his house). He called me as I walked away, so I returned and he asked: (have I told the truth) ? As a result, I mentioned what he had said to me before the migration, namely: (O 'Uthmaan, you may see this key in my hand one day, and I may place it where I please). I then said: you certainly have told the truth. I declare that you are the messenger of Allaah.

Sa'eed Bin Al Musayyib has mentioned that Al 'Abbaas competed for the key amongst members of the tribe of Banoo Haashim, though the messenger of Allaah (may Allaah send salutations upon him) gave the key to 'Uthmaan Bin Talha.

The messenger of Allaah (may Allaah send salutations upon him) commanded Bilaal to ascend the ka'ba and to call to prayer. Meanwhile, Aboo Sufyaan Bin Harb, Attaab Bin Usayd, Al Haarith Bin Hishaam, and other eminent members of the Quraysh sat before the ka'ba.

Chapter

The messenger of Allaah (may Allaah send salutations upon him) entered the home of Umm Haanee the daughter of Aboo Taalib. He then bathed and performed eight bowings of prayer, though some have been lead to believe that this was the morning prayer. Rather, this was the prayer of conquest, and commanders would perform this prayer upon victory emulating the messenger of Allaah (may Allaah send salutations upon him). In fact, this story indicates that he performed this prayer as an act of gratitude, because Umm Haanee has said: that was the only time that I saw him perform this prayer.

Chapter

The messenger of Allaah (may Allaah send salutations upon him) granted

security to all upon the grand conquest, with the exception of the following people, namely:

‘Abdullaah Bin Sa’d Bin Abee Sarh

‘Ikrima Bin Abee Jahl

‘Abdul ‘Uzza Bin Khabtal

Al Haarith Bin Nufayl Bin Wahb

Maqees Bin Sabaaba

Habaar Bin Al Aswad

Two female slaves of Ibn Khatl who used to sing degrading songs about the messenger of Allaah (may Allaah send salutations upon him)

Saara

In fact, he ordered that they be killed even if found beneath the curtains of the ka’ba.

As for Ibn Sarh, he accepted Islaam. As a result, ‘Uthmaan Bin ‘Affaan brought him to the messenger of Allaah (may Allaah send salutations upon him) seeking protection for him, and it was granted. However, he had once released him hoping that some of the companions would kill him. Although he had previously accepted Islaam and migrated, he apostated and returned to Makka.

As for ‘Ikrima Bin Jahl, his wife sought protection for him once he had fled, and the prophet (may Allaah send salutations upon him) granted it. Consequently, he arrived, accepted Islaam, and became a good Muslim.

As for Ibn Khatal, Al Haarith, Maqees, and one of the two female slaves, they were killed. However, Maqees accepted Islaam, though he apostated and was killed. As for Habaar Bin Al Aswad, he is the one who caused the miscarriage of Zaynab the daughter of the messenger of Allaah (may Allaah send salutations upon him). As a result, he fled, then he accepted Islaam and became a good Muslim.

The protection of the messenger of Allaah (may Allaah send salutations upon him) was sought for Saara and one of the two females slaves, and it was granted and they accepted Islaam.

The messenger of Allaah (may Allaah send salutations upon him) stood and said one day after the conquest of Makka: (O people, Allaah sanctified Makka the day he created the heavens and earth. Consequently, it will remain as such until the day of resurrection, so one who believes in Allaah and the last day may not shed blood or chop trees here).

Fudaala Bin ‘Umayr Bin Al Malooh considered killing the messenger of Allaah (may Allaah send salutations upon him) as he performed tawaaf. As a result, he asked him once he approached: (are you Fudaala) ? He replied: yes I am Fudaala O messenger of Allaah. He asked: (what were you saying to yourself) ? He replied: nothing, I was remembering Allaah. As a result, the messenger of Allaah (may Allaah send salutations upon him) laughed,

and then he said: (seek the forgiveness of Allaah). He then placed his hand upon his chest and his heart became calm. He said: by Allaah, he did not remove his hand, and Allaah has not created anything dearer to me.

Safwaan Bin Umayya and 'Ikrima Bin Abee Jahl fled. As for Safwaan, 'Umayr Bin Wahb Al Jamhee sought the protection of the messenger of Allaah (may Allaah send salutations upon him) for him, and it was granted. In fact, he gave him the turban which he wore when entering Makka.

Umm Hakeem Bint Al Haarith Bin Hishaam was married to 'Ikrima Bin Abee Jahl, and she accepted Islaam and sought the protection of the messenger of Allaah (may Allaah send salutations upon him) for him, and it was granted. Thereafter, she joined him in Yemen and brought him to the messenger of Allaah (may Allaah send salutations upon him) , and he affirmed the marriages of Safwaan and 'Ikrima.

The messenger of Allaah (may Allaah send salutations upon him) sent armies to destroy the idols which surrounded the ka'ba, so they were all broken, including Al Laat, Al 'Uzza, and Munaa. Someone then cried out: whoever believes in Allaah and the last day must not leave an idol unbroken in his home.

Chapter

Khaalid Bin Al Waleed

He sent Khaalid Bin Al Waleed to destroy Al 'Uzza on the 25 of Sha'baan, and he was joined by thirty horsemen. Once he destroyed Al 'Uzza, he returned to the messenger of Allaah (may Allaah send salutations upon him) to inform him, and he asked: (did you see anything) ? He replied: no. He said: (then you have not destroyed it, so retun). As a result, he returned and drew his sword when a naked elderly black woman came toward him. He then cut her in half and returned to the messenger of Allaah (may Allaah send salutations upon him) to inform him of what transpired, and he said: (yes, that was Al 'Uzza, and it lost hope that it would be worshiped in your land). Al 'Uzza was located near a date palm tree and belonged to the tribe of Quraysh and the tribe of Banoo Kinaana. In fact, it was their greatest idol.

Chapter

'Amr Bin Al 'Aas

He sent 'Amr Bin Al 'Aas to destroy Sawaa' which was an idol belonging to the tribe of Hudhayl, and 'Amr has said: once I reached Sawaa', the custodian asked: what do you want? I replied: the messenger of Allaah (may Allaah send salutations upon him) has commanded me to destroy Sawaa'. He said: you are not capable of doing so. I asked: why not? He replied: you cannot destroy Sawaa'. I said: you continue to embrace falsehood! Can Sawaa' hear or see? !I then approached Sawaa' and broke it. I

then commanded my companions to destroy the storage room, but we did not find anything. Finally, I asked the custodian: what is your response? He replied: I submit to Allaah.

Chapter

Sa'd Bin Zayd

He sent Sa'd Bin Zayd Al Ashhalee to Munaa, and he was joined by twenty horsemen. Once he reached Munaa, the custodian asked: what do you want? He replied: I wish to destroy Munaa. He then walked toward Munaa when a naked black women advanced while cursing him and beating her chest, so he killed her. Finally, he and his companions destroyed Munaa, but they found nothing inside the storage room.

Chapter

Khaalid Bin Al Waleed

Ibn Sa'd has said: the messenger of Allaah (may Allaah send salutations upon him) was in Makka when Khaalid Bin Al Waleed returned from destroying Al 'Uzza, and he sent him to Banoo Judhayma to invite the people to Islaam. However, he did send him to wage war.

He proceeded while joined by 350 men, namely the ansaar, the muhaajiroon, and Banoo Saleem. Once he reached Banoo Judhayma, he asked: what are you? They replied: we are believers, and we perform prayer in mosques which we have built. They also said: there are Arabs who are hostile toward us, and we feared that you were them.

Khaalid Bin Al Waleed said: whoever has taken prisoners should kill them. As for Banoo Saleem, they killed their prisoners while the muhaajiroon and the ansaar released their prisoners. Once the prophet (may Allaah send salutations upon him) became aware of what Khaalid had done, he said: (O Allaah, I disassociate myself from what Khaalid has done).

When the prophet (may Allaah send salutations upon him) was informed that Khaalid and 'Abdur Rahmaan Bin 'Awf had disputed, he said: (by Allaah, if you had gold as plentiful as mount Uhud and spent it for the sake of Allaah, it would not equal a morning or evening of my companions).

Chapter

The Subtleties And Legal Benefit Of This Incident

The peace treaty of Al Hudaibiyya was a prelude to the grand conquest which allowed people to reveal their faith. Consequently, multitudes accepted Islaam.

Before a major event transpires, an event transpires beforehand which serves as a prelude, and this is by design. Similarly, a child was created for Zakariyya despite his old age. Thereafter, 'Eesa was created without a father.

Allaah honored his house and those who built it. Thereafter, it became the new qibla.

Diviners foretold the advent of the messenger of Allaah (may Allaah send salutations upon him). Thereafter, he received revelation.

The messenger of Allaah (may Allaah send salutations upon him) received revelation through dreams. Thereafter, he received revelation while awake.

The messenger of Allaah (may Allaah send salutations upon him) migrated from Makka to Al Madeena. Thereafter, he was obliged to wage jihaad.

If Those Who Have Agreed To A Peace Treaty Wage War Against Those Who Are Protected by The Imaam

If those who have agreed to a peace treaty wage war against those who are protected by the imaam, they have waged war against the imaam himself. Consequently, their peace treaty is null, thus he may attack their homes without warning. Rather, a warning is given when treachery is feared. However, once it has been verified, their agreement is null.

Chapter

The messenger of Allaah (may Allaah send salutations upon him) attacked the entire tribe of Quraysh for aiding Banoo Bakr, although the former did not fight the latter entirely.

‘Umar banished the Jews of Khaybar after some of them threw his son from a roof. In fact, the messenger of Allaah (may Allaah send salutations upon him) killed the entire army of Banoo Quraydha, though he did not ask if all of them had breached their agreement or not.

He banished the entire tribe of Banoo An Nadeer, though only two of them had committed murder. Similarly, he banished the tribe of Banoo Qaynaqaa.

The believers agree that one who is passive is judged like one who is aggressive during jihaad, and it has not been stipulated that one be aggressive in order to receive spoils. Similarly, no distinction is made between one who is passive and one who is aggressive during a highway robbery, because the former aids the latter in this case. This is indeed correct, and Aboo Haneefa, Maalik, Ahmad, and others have maintained this position.

Chapter

The Duration Of A Peace Treaty During War

If a peace agreement is reached during war, may it exceed ten years? The truth of the matter is that it may exceed ten years if necessary, or if an extension would be advantageous.

Chapter

If the imaam receives an unlawful or unnecessary request and does not respond, this does not mean that he has conceded, because Aboo Sufyaan asked the messenger of Allaah (may Allaah send salutations upon him) to renew the peace treaty, though he did not respond. However, this does not mean that he agreed.

Chapter

Is The Messenger Of The Disbelievers Killed?

The messenger of the disbelievers is not killed, because Aboo Sufyaan was punished for breaching his agreement, though the messenger of Allaah (may Allaah send salutations upon him) did not kill him for being a messenger of his people.

Chapter

The Disbelievers May Be Attacked While At Home If They Have Already Been Invited To Islaam

The disbelievers may be attacked while at home if they have already been invited to Islaam, because the messenger of Allaah (may Allaah send salutations upon him) allowed his soldiers to attack in this fashion under these circumstances.

Chapter

Killing Spies

A spy may be killed even if he is Muslim, because when 'Umar sought the permission of the messenger of Allaah (may Allaah send salutations upon him) to kill Haatib Bin Abee Balta'a, he did not tell 'Umar that he could not kill him since he was a Muslim. Rather, he said: (do as you please). This indicates that spies may be killed, and this has been maintained by Maalik

Conversely, Aboo Haneefa and Ash Shaafi'ee have maintained that a spy may not be killed, and it seems that Ahmad maintained this view as well. However, the truth of the matter is that an imaam may kill a spy if that is most beneficial. Otherwise, he may spare his life, and Allaah knows best.

Chapter

May A Female Spy Be Stripped?

A woman may be stripped completely if necessary and beneficial, because 'Alee and Miqdaad said to the female messenger: you shall hand over the letter or we shall strip you. Consequently, if a woman could be stripped out of necessity, she could definitely be stripped for the sake of the believers.

Chapter

If a man declares a Muslim a hypocrite or a disbeliever in error or for the sake of Allaah and his messenger, he is not a disbeliever or even a sinner. In fact, he is rewarded for his intention. Conversely, religious innovators level accusations of infidelity and innovation when they are opposed, thus it is more appropriate that these accusations be levelled against them.

Chapter

Is There An Expiation For A Major Sin?

A major sin other than polytheism may be expiated with a great deed, because although Haatib had spied, his participation in the battle of Badr expiated his sin. In fact, the virtue and benefit of his participation in the battle of Badr was far greater than the evil and detriment of his treachery.

Allaah the most high has said: **{good deeds cause bad deeds to dissipate}** [Hood/114].

﴿إِنْ أَحْسَنْتَ يُذْهِبَنَّ السَّيِّئَاتِ﴾ [هود: 114]

{if you avoid major sins we will expiate your minor sins} [An Nisaa/31].

﴿إِنْ تَجْتَنِبُوا كَبَائِرَ مَا تُنْهَوْنَ عَنْهُ نُكَفِّرْ عَنْكُمْ سَيِّئَاتِكُمْ﴾ [النساء: 31]

The prophet (may Allaah send salutations upon him) has said: (perform a good deed once you have performed a bad deed and the latter shall expiate the former).

The reverse holds true as well, and Allaah has said: **{O you who believe, do not invalidate your charity with reproach}** [Al Baqara/264].

﴿يَتَأْتِيهَا الَّذِينَ ءَامَنُوا لَا يُبْطِلُوا صَدَقَاتِكُم بِالْمَنِّ وَالْأَذَى﴾ [البقرة: 264]

{O you who believe, do not speak louder than the prophet, and do not address him as you address one another lest your deeds become null without you knowing} [Al Hujuraat/2].

﴿يَتَأْتِيهَا الَّذِينَ ءَامَنُوا لَا تَرْفَعُوا أَصْوَاتَكُمْ فَوْقَ صَوْتِ النَّبِيِّ وَلَا تَجْهَرُوا لَهُ بِالْقَوْلِ كَجَهْرِ بَعْضِكُمْ لِبَعْضٍ أَن

تَحْبَطَ أَعْمَالُكُمْ وَأَنتُمْ لَا تَشْعُرُونَ﴾ [الحجرات: 2]

‘Aa’isha has narrated that the jihaad of Zayd Bin Arqam was nullified once he engaged in an ‘eena based transaction and could only become valid through repentance.

The prophet (may Allaah send salutations upon him) has said: (if one neglects the late afternoon prayer, his deeds will become null). Narrated by Al Bukhaaree and Muslim.

Consider the strong faith of Haatib which motivated him to participate in

the battle of Badr and to prefer Allaah and his messenger more than his people, tribe, and relatives. The prophet (may Allaah send salutations upon him) said to him: (do you as you please, because you have been forgiven). Conversely, the Khawaarij were such avid worshippers that the companions considered their deeds insufficient by comparison. However, the prophet (may Allaah send salutations upon him) has said: (if I find them, I shall destroy them like the people of 'Aad) (kill them, because Allaah will reward whoever does so). Although their deeds were great, they were of no avail.

Chapter

This story illustrates that those who breach an agreement may be attacked without warning.

Chapter

This story illustrates that it is desirable for the believers to display their strength and numbers upon the arrival of a messenger who is sent by the enemy. The prophet (may Allaah send salutations upon him) ordered that fires be lit on the night when he entered Makka, and he ordered Al 'Abbaas to confine Aboo Sufyaan to a narrow mountain pass so that he could behold the army of Allaah. Thereafter, Al 'Abbaas released him and he informed the Quraysh of what he had witnessed.

Chapter

This story indicates that one may enter Makka to engage in lawful combat having not entered ihraam, because the messenger of Allaah (may Allaah send salutations upon him) and the companions did so. However, one may not enter Makka unless he has entered ihraam when intending to perform hajj and 'umra, and there is no difference of opinion in this regard. However, there is a discrepancy concerning one who is not obliged to enter Makka on a regular basis, and three views exist in this regard:

1. One must not enter Makka in this case unless he has entered ihraam, and this view was maintained by Ibn 'Abbaas and Ash Shaafi'ee at one point.

2. One may enter Makka in this case without having entered ihraam, and this view was maintained by Ash Shaafi'ee at one point, and it has been narrated that Ahmad maintained this view as well.

3. One may enter Makka in this case without having entered ihraam if he is within the boundaries, and this view was maintained by Aboo Haneefa. However, the guidance of the messenger of Allaah (may Allaah send salutations upon him) is well known concerning one who is engaged in jihaad or intends to perform hajj or 'umra. Otherwise, an act can only be proven obligatory by Allaah, his messenger, and the consensus of this nation.

Chapter

This story states explicitly that Makka was conquered by force as most scholars maintain, and a difference of opinion has been attributed only to Ash Shaafi'ee and Ahmad. However, the sequence of this story testifies that the majority opinion is accurate.

Those who assert that Makka was not conquered by force say: had Makka been conquered by force, the messenger of Allaah (may Allaah send salutations upon him) would not have divided it as he divided Khaybar.

They say: Aboo Sufyaan sought protection for the people of Makka when he accepted Islaam, and it was granted, hence this was a peace treaty.

They say: had Makka been conquered by force, those who received spoils would have been more entitled to the homes of Makka than their owners, thus it would have been permissible for them to be banished. However, the messenger of Allaah (may Allaah send salutations upon him) did not rule as such. In fact, he did not reclaim the homes of the muhaajiroon, and he affirmed that those who had seized them could benefit from them. These are not the decisions which are reached in the midst of a conquest. Furthermore, he attributed the homes of Makka to their owners, and he has said: whoever enters the home of Aboo Sufyaan will be safe.

Those who assert that Makka was conquered by force say: had Makka not been conquered by force, the people of Makka would not have been obliged to enter their homes and to lock their doors in order to be safe, nor would they have been obliged to discard their weapons. In fact, Khaalid Bin Al Waleed killed a group of people, though he was not criticized.

Had a peace agreement been reached, it would have excluded Maqees Bin Sabaaba, 'Abdullaah Bin Khatal, and the others who were killed. In addition, he has said: (if one seeks permission by asserting that the messenger of Allaah (may Allaah send salutations upon him) has fought, say: Allaah has granted his messenger permission, though he has not granted you permission). It is well known that the messenger of Allaah (may Allaah send salutations upon him) was permitted to fight and not to reconcile, because all are allowed to engage in a peace treaty.

Had Makka not been conquered by force, he would not have said: (Allaah has made it lawful for him during an hour of the day), because the sanctity of Makka would remain perpetual. However, he stated that the sanctity of Makka returned once the hour of war had concluded.

How could Makka not have been conquered by force when Allaah did not prevent the cavalry from advancing as he did during the truce of Al Hdaybiyya? That was truly a day of peace, because when Al Qaswaa

kneeled, they said: Al Qaswaa has become stubborn. As a result, he said: (she has not become stubborn, because that is not her character. Rather, she has been withheld by the one who has withheld the elephant).

An agreement of peace would be reached in writing, and this would be witnessed by a group of polytheists and believers. As for the day of the conquest, there were 1,400 believers present, though none of them recorded or witnessed the peace treaty, nor did they narrate the conditions which were imposed.

The prophet (may Allaah send salutations upon him) has said: (Allaah prevented the elephant from reaching Makka, though he allowed his messenger and the believers to rule it). Consider how one may infer that the conquest of the messenger of Allaah (may Allaah send salutations upon him) and his army was greater than the conquest of the raging elephant which was prevented from reaching them. In reality, this conquest was so great and profound that it could not be replaced with reconciliation.

They have said: as for your statement: had Makka been conquered by force, it would have been divided, this is provided that land is included amongst the spoils which Allaah has allocated. However, the majority of companions and scholars have maintained that land is not amongst the spoils which must be divided. Consequently, when Bilaal and his companions asked 'Umar Bin Al Khattaab to divide the land which they gained upon the conquest of Syria, he did not concede. Thereafter, the companions agreed with 'Umar. As a result, when other lands were conquered by force, the rightly guided successors did not divide one village.

'Umar was correct, because had the land been divided, a village would become the property of a woman or a child due to inheritance, and the soldiers would be left with nothing. This is what 'Umar feared, so Allaah inspired him to reserve the land as an endowment. Thereafter, it became evident that his opinion was blessed, and the majority of scholars agreed with him.

There is a discrepancy concerning the method by which land may be maintained if not divided. As for Ahmad, texts indicate that the imaam may choose what is most beneficial for the believers. As a result, he may divide and or donate the land, because the messenger of Allaah (may Allaah send salutations upon him) divided Quraydha, An Nadeer, and a portion of Khaybar, though he did not divide Makka.

It has been narrated that Ahmad has said: this land becomes an endowment once it is conquered, and this was maintained by Maalik.

It has been narrated that Ahmad has said: the imaam divides this land unless those who deserve it forfeit, and this was maintained by Ash Shaafi'ee.

Aboo Haneefa has said: the imaam may divide this land, he may tax land

owners, or he may banish them and replace them with another people whom he may tax.

What 'Umar did does not contradict the Qur'aan, because land is not amongst the spoils which Allaah has ordered to be divided as he has said.

Spoils have only been lawful for this nation, and the prophet (may Allaah send salutations upon him) has said: (spoils have been declared lawful for me, though they were not declared lawful for anyone previous). However, Allaah allowed the followers previous messengers to seize the land of the disbelievers upon conquest. Consequently, Moosa said to his people: **{O my people, enter the sacred land which Allaah has decreed for you, and do not return to your previous state lest you become losers}** [Al Maa'ida/21].

﴿يَقُولُوا ادْخُلُوا الْأَرْضَ الْمُقَدَّسَةَ الَّتِي كَتَبَ اللَّهُ لَكُمْ وَلَا تَرْتَدُّوا عَلَى أَدْبَارِكُمْ فَتَنْقَلِبُوا

خَسِرِينَ ﴿٢١﴾ [المائدة: 21]

Moosa and his people fought the disbelievers and conquered their land and wealth, and then they accumulated spoils. Thereafter, fire came from heaven and consumed the spoils, though Moosa and his people were allowed to remain on the land. As a result, it is clear that land and spoils are separate, and that land is inherited by whomever Allaah pleases.

Chapter

As for Makka, it is not divided for a reason, namely because it is not owned since Allaah has donated it to creation, and also because it is a place where rites are performed. Allaah has said: **{we will severely punish those who disbelieve and obstruct the path of Allaah and the sacred masjid which we have reserved for residents as well as travelers}** [Al Hajj/25].

﴿إِنَّ الَّذِينَ كَفَرُوا وَيَصُدُّونَ عَنْ سَبِيلِ اللَّهِ وَالْمَسْجِدِ الْحَرَامِ الَّذِي جَعَلْنَاهُ لِلنَّاسِ سَوَاءً الْعَرَبِ فِيهِ

وَالْبَادِ وَمَنْ يُرِدْ فِيهِ بِإِلْحَادٍ بِظُلْمٍ نُذِقْهُ مِنْ عَذَابٍ أَلِيمٍ ﴿٢٥﴾ [الحج: 25]

The sacred masjid applies to the entire sacred territory, and Allaah has said: **{rather, the polytheists are unclean, so they may not approach the sacred masjid after this year of theirs}** [At Tawba/28].

﴿إِنَّمَا الْمُشْرِكُونَ نَجَسٌ فَلَا يَقْرَبُوا الْمَسْجِدَ الْحَرَامَ بَعْدَ عَامِهِمْ هَذَا ﴿٢٨﴾ [التوبة: 28]

{Glory belongs to he who brought his slave from the sacred masjid to the distant masjid by night} [Al Israa/1].

﴿سُبْحَنَ الَّذِي أَسْرَى بِعَبْدِهِ لَيْلًا مِنَ الْمَسْجِدِ الْحَرَامِ إِلَى الْمَسْجِدِ الْأَقْصَا ﴿١﴾ [الإسراء: 1]

{That is for he whose family has not reached the sacred masjid} [Al Baqara/196].

﴿ذَلِكَ لِمَنْ لَمْ يَكُنْ أَهْلَهُ حَاضِرِي الْمَسْجِدِ الْحَرَامِ﴾ [البقرة: 196]

However, all agree that the prayer area itself has not been referred to. Rather, it is the sacred territory which has been referred to, and the sequence of the verse of hajj indicates this, because Allaah has said: **{and he who wishes to deviate therein}** [Al Hajj/25].

﴿وَمَنْ يُرِدْ فِيهِ بِالْحُكَاِمِ يُظْلَمْ تَذْلِقَهُ مِنْ عَذَابِ أَلِيمٍ﴾ [الحج: 25]

This is undoubtedly not confined to the prayer area. Rather, this applies to the entire sacred territory. Consequently, the one who has reserved the sacred masjid for residents and travelers has threatened those who prevent their arrival and wish to deviate. In reality, the sacred masjid, As Safaa and Al Marwa, Mina, 'Arafa, and Muzdalifa are not reserved for a select group of people. Rather, this area is a masjid which Allaah has granted man, thus the prophet (may Allaah send salutations upon him) did not agree that a dwelling should be built for him in Mina to protect him from the sun.

For this reason, the majority of scholars have always maintained that the land of Makka may not be sold and that the homes may not be rented, and this view was maintained by:

Mujaahid

'Ataa of Makka

Maalik of Al Madeena

Aboo Haneefa of Iraq

Sufyaan Ath Thawree

Ahmad

Ishaaq Bin Raahawayh

Ahmad has narrated that 'Alqama has said: the homes of Makka were referred to as sawaa'ib during the times of the messenger of Allaah (may Allaah send salutations upon him) , Aboo Bakr, and 'Umar, and excess space was reserved for the needy.

It has been narrated that the prophet (may Allaah send salutations upon him) has said: (Allaah has made Makka sacred, so it's land may not be sold and it's revenue may not be enjoyed). Narrated by Ad Daaraqutnee.

Ahmad has said: Ma'mar has informed us that Layth, 'Ataa, Taawoos, and Mujaahid have said: it is disliked that the land of Makka be sold and that it's homes be rented.

Ahmad has mentioned that Al Qaasim Bin 'Abdir Rahmaan has said: one who enjoys the revenue of a home of Makka digests fire.

Ahmad has said: Hushyam has informed us that Hajjaaj and Mujaahid have narrated that 'Abdullaah Bin 'Umar has said: the homes of Makka may not be rented and the land may not be sold.

Ahmad has said: Ishaaq Bin Yoosuf has informed us that 'Abdul Malik

has said: 'Umar Bin 'Abdil 'Azeez wrote to the commander of the people of Makka forbidding them to rent the homes of Makka, and he said: this is unlawful.

Ahmad has narrated that 'Umar forbade that a door be added to a home of Makka or that a door be locked, though this was during the days of hajj.

Those who maintain that the land of Makka may be sold and that the homes may be rented say: the proof of this is the book of Allaah, the tradition of his prophet, and the practice of his companions and rightly guided successors. Allaah the most high has said: **{for the needy migrants whose homes and wealth have been taken}** [Al Hasr/8].

﴿لِلْفُقَرَاءِ الْمُهَاجِرِينَ الَّذِينَ أُخْرِجُوا مِنْ دِيَارِهِمْ وَأَمْوَالِهِمْ﴾ [الحشر: 8]

{The migrants who were banished from their homes} [Aalu 'Imraan/195].

﴿فَالَّذِينَ هَاجَرُوا وَأُخْرِجُوا مِنْ دِيَارِهِمْ﴾ [آل عمران: 195]

{Rather, he has barred those who have fought and banished you from your homes because of your religion} [Al Mumtahina/9].

﴿إِنَّمَا يَنْهَىكُمْ اللَّهُ عَنِ الَّذِينَ قَتَلُوا فِي الدِّينِ وَأُخْرِجُوا مِنْ دِيَارِهِمْ﴾ [الممتحنة: 9]

Allaah has attributed these homes to their owners.

The prophet (may Allaah send salutations upon him) was asked: will you stay at your home in Makka tomorrow? He asked in return: (and has 'Aqeel left any property for us) ? However, he did not say I do not have a home. Rather, he affirmed their statement, and he said that 'Aqeel had gained his land.

Homes have been attributed to their owners on countless occasions, such as the home of Umm Haanee, the home of Khadeeja, and the home of Aboo Ahmad Bin Jahsh etc. In fact, they used to inherit homes, thus the prophet (may Allaah salutations upon him) asked: (has 'Aqeel left a home for us) ? 'Aqeel inherited the homes of Aboo Taalib though 'Alee did not since they did not share the same religion.

Safwaan Bin Umayya sold 'Umar Bin Al Khattab a home for 4, 000 dirham, and he converted it into a prison. Consequently, if a home could be sold or inherited, then a home could most definitely be rented.

Chapter

Is Tax Imposed Upon The Farms Of Makka?

If Makka was conquered by force, may tax be imposed upon it's farms? Two views exist in this regard:

1. It can only be said that tax cannot be imposed upon the farms of

Makka, even if it was conquered by force. Reason being, this tax resembles the jizya, though the sacred territory of Allaah is so grand that a tax of this nature cannot be imposed.

2. Some of the companions of Ahmad have said that tax is imposed upon the farms of Makka as it is imposed upon the farms of other areas which are conquered by force. However, this contradicts what Ahmad has said and what the messenger of Allaah (may Allaah send salutations upon him) and his rightly guided successors have done. Consequently, this view is immaterial.

Chapter

This story indicates that one who degrades the messenger of Allaah (may Allaah send salutations upon him) must be killed, because he did not grant Maqees Bin Sabaaba and Ibn Khatal protection, nor did he grant the two female slaves protection although they were women. In fact, he ordered their death. He also endorsed the murder of the woman who degraded him, and he similarly called for the death of Ka'b Bin Al Ashraf the Jew.

As for the rightly guided successors, Aboo Bakr said to Aboo Baraza Al Aslamee when intending to kill anyone who degraded the messenger of Allaah (may Allaah send salutations upon him) : this applies only to the messenger of Allaah (may Allaah send salutations upon him). When 'Umar passed a monk, someone said: he degrades the messenger of Allaah (may Allaah send salutations upon him) , so he said: if I heard him do so, I would kill him. We have not granted them immunity so that they can curse our prophet (may Allaah send salutations upon him).

It is undoubtedly more severe to wage war by degrading our prophet than it is to wage war with a weapon, so how could the latter result in a breach of contract punishable by death and not the former?

One may say: the prophet (may Allaah send salutations upon him) did not kill 'Abdullaah Bin Abee Waqd who said: if we return to Al Madeena, they noble shall banish the lowly. He did not kill Dhool Khuwaysira At Tameemee who said to him: be just, because you have been unfair. He did not kill the one who said: this division is not intended for the face of Allaah, and there were others who he did not kill similarly.

He was entitled to waive or protect his rights. However, others are obliged to protect his rights, and this applies to the lord most high. In reality, it was most beneficial that the lives of those previously mentioned be spared, though this was no longer the case once he died. In any event, it would have been detrimental had people heard that he killed his companions. Consequently, he did not concede when 'Umar suggested that he kill 'Abdullaah Bin Ubayy.

It was undoubtedly more beneficial to unite hearts than it was to kill

those who harmed or degraded him. However, the reverse was true as regards Ka'b Bin Al Ashraf, Ibn Khatal, Majees, the two female slaves, and the woman who was killed by her master. Consequently, he would do whatever was most beneficial. As for his rightly guided successors, they were obliged to protect his rights.

Chapter

The Knowledge Which One Can Gain From His Great Sermon

The prophet (may Allaah send salutations upon him) has said: (Allaah has made Makka sacred, though man has not). This is a predestined legal prohibition which became manifest upon the tongues of Ibraaheem the intimate friend of Allaah and Muhammad (may Allaah send salutations upon him). It has been narrated in Saheeh Muslim that he (may Allaah send salutations upon him) has said: (O Allaah, your intimate friend Ibraaheem made Makka sacred, and I make Al Madeena sacred). Consequently, none disagree that the former is sacred, although there is some discrepancy concerning the latter. However, the truth of the matter is that Al Madeena is indeed sacred, because more than twenty prophetic traditions have established this.

He has said: (thus, none may shed blood therein). This prohibition is confined to Makka since it is sacred. Otherwise, Makka would not be distinct.

Aboo Shurayh Al 'Adawee has explained that a faction which refuses to pledge allegiance to the imaam should not be fought in Makka, especially if they have an explanation. Similarly, the people of Makka refused to pledge allegiance to Yazeed, but rather pledged allegiance to Az Zubayr. However, the war which was waged against them was not supported by text or consensus. Rather, the deviant 'Amr Bin Sa'eed and his faction opposed the messenger of Allaah (may Allaah send salutations upon him) claiming that the sacred territory does not protect a sinner. As a result, someone said to him: it does not protect a sinner from the punishment of Allaah.

If the sacred territory did not protect a sinner from harm, it would not be a sanctuary for man. Rather, it would be a sanctuary for animals. Although the sacred territory has protected sinners since the time of Ibraaheem, it did not protect Majees Bin Sabaaba and Ibn Khatal and those similar to them, because it was not a sanctuary at the time. However, once the hour of war had concluded, it became a sanctuary as it was when Allaah created the heavens and earth.

The prophet (may Allaah send salutations upon him) knew that a segment of his nation would wish emulate him by fighting upon the sacred territory, so he said: (if anyone asserts that the messenger of Allaah (may Allaah send

salutations upon him) has fought, say: Allaah has granted him permission, though he has not granted you permission). Based upon this, if someone commits an offense which is punishable by death outside of the sacred territory and then enters the sacred territory, he may not be killed.

Ahmad has mentioned that ‘Umar Bin Al Khattaab has said: if I found the one who killed Al Khattaab in the sacred territory, I would not touch him until he left it. It has been mentioned that ‘Abdullaah Bin ‘Umar has said: if I found the one who killed ‘Umar in the sacred territory, I would not call him. It has been narrated that Ibn ‘Abbaas has said: if I found the one who killed my father in the sacred territory, I would not confront him until he left it. This has been said by most of the taabi’oon and those who came after them. In fact, it has not been documented that they or those who preceded them differed in this regard. This position was also maintained by Aboo Haneefa and those who agreed with him in Iraq, and Ahmad and those who agreed with him amongst the scholars of prophetic tradition.

Conversely, Maalik and Ash Shaafi’ee have held that punishment may be inflicted in the sacred territory, and Ibn Al Mundhir chose this view. He asserted that general texts indicate that punishment may be inflicted at any place or any time, and that the prophet (may Allaah send salutations upon him) killed Ibn Khatal as he grasped a curtain of the ka’ba. He also mentioned that it has been narrated that the prophet (may Allaah send salutations upon him) has said: (the sacred territory does not protect one who has sinned or one who has fled). Thereafter, he mentioned that the prophet (may Allaah send salutations upon him) has said: (there are five pests which are killed inside and outside the sacred territory). His statement indicates that these pests should be killed inside and outside the sacred territory because they are a menace. However, he did not exclude pests which come from outside the sacred territory, and this applies to human beings who deserve to die as well.

The first group says: what has preceded does not challenge our evidence, especially the statement of Allaah the most high: **{whoever enters it will be safe}** [Aalu ‘Imraan/97].

﴿وَمَنْ دَخَلَهُ كَانَ آمِنًا﴾ [آل عمران: 97]

Some say that whoever enters the sacred territory will be protected from the fire, and others say that whoever does so will be prevented from dying a disbeliever, though this is unfounded.

As for the murder of Ibn Khatal, it has proceeded that it transpired during the hour of war, and the prophet (may Allaah send salutations upon him) has said: (rather, I have been allowed to do so for an hour). As for the statement: (the sacred territory does not protect a sinner), it was made by the deviant ‘Amr Bin Sa’eed Al Ashdaq in response to a statement of the messenger of

Allaah (may Allaah send salutations upon him) , so how could the latter be chosen instead of the former?

The first group says: as for your statement: one who deserves death is not safe within the sacred territory, even if he has come from outside of it, Ahmad has said: 'Abdur Razzaaq has informed us that Ma'mar, Ibn Taawoos, and his father have narrated that Ibn 'Abbaas has said: if one steals or kills before entering the sacred territory, he is requested to leave, and then he is punished. However, if he steals or kills within the sacred territory, he is punished therein.

Allaah the glorified has enjoined that those who fight within the sacred territory be killed, and he has said: **{do not fight them in the sacred masjid until they fight you. Once they have done so, kill them}** [Al Baqara/191].

﴿وَلَا تَقَاتِلُوهُمْ عِنْدَ الْمَسْجِدِ الْحَرَامِ حَتَّى يُقَاتِلُوكُمْ فِيهِ فَإِنْ قَتَلُوكُمْ فَاقْتُلُوهُمْ﴾ [البقرة: 191]

One who violates the sanctity of the sacred territory and refugee are not alike for the following reasons:

1. One violates the sanctity of the sacred territory by committing a crime therein. Whereas, one who commits a crime outside of the sacred territory and enters it seeking refuge honors the sacred territory. As a result, no comparison can be made between the former and the latter.

2. One who commits a crime within the sacred territory is like one who does so upon the carpet of a king. Whereas, one who commits a crime outside of the sacred territory and enters it seeking refuge is like one who commits a crime outside of a king's dominion and enters it seeking asylum.

3. One who commits a crime within the sacred territory violates the sanctity of Allaah the glorified as well as his house and sacred territory. Consequently, he violates the sanctity of two entities unlike one who commits a crime outside of the sacred territory.

4. If criminals were not punished within the sacred territory, iniquity would spread therein. Rather, the people of the sacred territory need protection like anyone else, though if those who commit crimes within therein were left unpunished, the law of Allaah would be suspended and the people of the sacred territory would suffer.

5. One who seeks refuge within the sacred territory is like one who comes to the house of the lord most high in repentance, thus he should be treated like one who violates the sanctity of the sacred territory.

In light of this, the difference between the former and latter is clear, and it is evident that the understanding of Ibn 'Abbaas was acute.

Chapter

What Has Been Narrated Concerning The Trees Of Makka

The prophet (may Allaah send salutations upon him) has said: (trees may

not be chopped therein) , the following wording has also been narrated: (their needles may not be cut) (their needles may not be struck). All agree that the trees which have been referred to are those which have not been planted. As for trees which have been planted within the sacred territory, three views exist, and they are all maintained by the legal school of Ahmad.

1. One may uproot a tree in this case, and this view has been chosen by Ibn 'Aqeel, Aboo Khattaab, and others.

2. One may not uproot a tree in this case, and this has been said by Ash Shaafi'ee.

3. There is a difference between a tree which grows outside of the sacred territory and is then planted within the sacred territory, and a tree which grows within the sacred territory and is then planted outside of the sacred territory. As for the former scenario, there is no penalty. As for the latter scenario, there is a penalty, and this has been said by Al Qaadee.

4. There is a difference between species of trees which are planted and species of trees which are not planted. As for the former species, they may be uprooted. As for the latter species, they may not be uprooted, thus a penalty is imposed when they are.

The author of Al Mughnee has said: it is best to conclude that the only trees which may be uprooted are those species which are planted, because they are comparable to produce and domestic animals. As for hunting, we have excluded animals which are tame by nature. Consequently, he has chosen the fourth view which means that the legal school of Ahmad actually maintains four opinions in this regard.

The preceding prophetic tradition states that the needles of a tree may not be cut. However, Ash Shaafi'ee has said: they may be cut since they are harmful, and this view has been chosen by Aboo Al Khattaab and Ibn 'Aqeel. It has also been narrated that Mujaahid, 'Ataa, and others have agreed.

He (may Allaah send salutations upon him) has said: (their needles may not be cut). This is an explicit prohibition, and these needles are not comparable to predatory animals, because predatory animals intend to cause harm by nature. Whereas, these needles only harm those who approach them.

Although the preceding prophetic tradition does not differentiate between living and dead trees, some have held that the latter may be chopped. In reality, chopping a dead tree does not violate that sanctity of the tree which glorifies it's lord, because this tree is living. In fact, the prophet (may Allaah send salutations upon him) planted two branches of a living tree upon two graves and said: (perhaps they will alleviate their punishment until they die).

This prophetic tradition proves that if a tree becomes uprooted or if a branch breaks, one may benefit from the former and the latter, because he

did not chop the branches.

One may ask: what do you say about a tree which is uprooted and then abandoned, may the person who uprooted this tree or someone else benefit from it?

Ahmad was questioned about this matter, and he replied: I have not heard anyone say that one who cuts a tree may benefit from it. However, there is another perspective, namely that another person could benefit from the tree, because it resembles a tree which has been uprooted by the wind.

His statement: (their needles may not be struck) states that leaves may not be pulled, and this was the view of Ahmad. Ash Shaafi'ee has said: leaves are to a tree what feathers are to a bird. In addition, pulling leaves causes branches to die, and trees need branches for protection.

Chapter

He (may Allaah send salutations upon him) has said: (it's foliage may not be picked). All agree that this refers to foliage which has not been planted, and it does not apply to dead foliage.

One may ask: does this prophetic tradition apply to herding? Two views exist in this regard:

1. This prophetic tradition does not apply to herding, and this has been said by Ash Shaafi'ee.

2. The meaning and not the wording of this prophetic tradition applies to herding, and this has been said by Aboo Haneefa, and both of these views have been held by the companions of Ahmad.

Those who forbid herding in this case say: there is no difference between giving foliage to an animal and allowing it to graze in this case.

Those who allow herding in this case say: sacrificial animals have entered the sacred territory in droves, though it has never been narrated that the mouths were shut.

Those who forbid herding in this case say: one is not obliged to shut the mouth of his animal as he is not obliged to hold his nostrils to prevent himself from smelling fragrance once he has entered ihraam. Furthermore, if one may not smell fragrance intentionally, then one may not halt fearing that game may cross his path.

Chapter

He (may Allaah send salutations upon him) has said: (he may not chase it's game). This states that one may not prompt others to hunt. In fact, one may not drive game away from their places, because they have reached them first, thus they are more entitled to them.

Chapter

He (may Allaah send salutations upon him) has said: (one may only pick

up a lost item so that the owner may come fourth).

This proves that items which have been lost within the sacred territory cannot be kept, and that they may only be picked up so that their owners may come fourth. However, if this were not the case, then Makka would not be distinct. However, there is a difference of opinion in this regard, thus Aboo Haneefa and Maalik have said: there is no difference between what is lost within the sacred territory or outside of it. Ash Shaafi'ee and Ahmad have also said this, and it has been narrated that Ibn 'Umar, Ibn 'Abbaas, and 'Aa'isha have said this as well.

Ash Shaafi'ee and Ahmad have also said: one may not pick up a lost item in order to keep it in in this case, though he may do so to give it to the owner. Consequently, he must announce that the item has been lost until the owner comes fourth, and this has been said by 'Abdur Rahmaan Bin Mahdee and Aboo 'Ubayd, and they were correct.

Aboo Daawud has narrated that the prophet (may Allaah send salutations upon him) forbade the lost property of a pilgrim. Ibn Wahb has said: i. e. he must leave it until the owner finds it.

Our teacher has said: this is one of the unique characteristics of Makka. In fact, as people return to diverse regions of the earth, those who have lost their riding animals may not ask about them.

Chapter

He (may Allaah send salutations upon him) has said: (in the event of a murder, the perpetrator will be killed, or a bloodwit will be given). This proves that retribution is not binding in the event of an intentional murder, but that a bloodwit may be given.

Three views exist in this regard, and they have all been attributed to Ahmad:

1. Retribution must be sought or a bloodwit must be given, and four options remain:

forgiveness

forgiveness and a bloodwit

retribution

There is no difference of opinion concerning the three previous options. However, there is a discrepancy regarding the fourth option, namely:

reconciliation at a higher price than the bloodwit

There are two perspectives in this regard, the most well known of which states that reconciliation may be had at a higher price than the bloodwit. Whereas, the other perspective states that one may not forgive for a price. This is the most accurate opinion, because if one chooses to accept a bloodwit, retribution is waived and cannot be sought thereafter. This view was maintained by Ash Shaafi'ee, and it has been narrated that Maalik

maintained this view as well.

2. One must seek retribution, and a bloodwit cannot be sought without the consent of the offender. This position was held by Aboo Haneefa, and it has been narrated that Maalik maintained this view as well.

3. One must seek retribution, and a bloodwit may also be sought, even without the consent of the offender. However, if he does not agree, then retribution may be sought once again.

One may ask: what would you say if the offender died? We would respond by saying that two views exist in this regard: Aboo Haneefa held that the bloodwit is waived since he maintained that retribution is binding in this case. However, it cannot be sought due to an act of Allaah. Similarly, if a slave commits a crime and dies, his master is not held responsible.

Ash Shaafi'ee and Ahmad have said: the bloodwit is taken from his wealth, because retribution cannot be sought. One may ask: may one choose retribution and then a bloodwit? Two perspectives exist in this regard. Some say that he may do so, because the former is higher than the latter. However, others have said that he may not do that, because he has waived his right to seek a bloodwit by seeking retribution.

One may ask: how do you reconcile the previous prophetic tradition and the following prophetic tradition: (there is retribution in the event of an intentional murder) ?

There is no contradiction, because the latter prophetic tradition indicates that retribution is binding in the event of an intentional murder. Whereas, the former prophetic tradition indicates that one may seek mandatory retribution or may accept a bloodwit as a substitute. In fact, the latter prophetic tradition resembles the following statement of Allaah the most high: **{retribution has been enjoined upon you}** [Al Baqara/178].

﴿ثَبِّتْ عَلَيْكُمْ الْقَصَاصَ﴾ [البقرة: 178]

However, this does not negate that one may choose what has been enjoined upon him or a replacement, and Allaah knows best.

Chapter

He (may Allaah send salutations upon him) has said: (except for Al Idhkhar). This indicates two things:

1. The idhkhar tree may be chopped.
2. One may make an exception without intending to do so at the beginning or end of speech.

Similarly, king Sulaymaan said: I shall reach 100 women this evening, and each of them will give birth to a child who will fight for the sake of Allaah. Thereafter, an angel said: say: if Allaah has willed, though he did not. Consequently, the prophet (may Allaah send salutations upon him) said: (had he said if Allaah the most high has willed, they all would have fought

for the sake of Allaah). He has stated that this exception would have been beneficial, though those who hold otherwise disagree.

He (may Allaah send salutations upon him) has said: (by Allaah, I shall attack the Quraysh, by Allaah, I shall attack the Quraysh, by Allaah, I shall attack the Quraysh). Thereafter, he paused and said: (if Allaah has willed). Ahmad has stated that one may make an exception in this manner, and he was undoubtedly correct.

Chapter

A companion named Aboo Shaah stood and said: write for me, so the prophet (may Allaah send salutations upon him) said: (write for Aboo Shaah). He meant his sermon, hence this proves that knowledge may be recorded and that his prohibition in this regard is abrogated. The prophet (may Allaah send salutations upon him) has said: (if anyone has recorded me saying other than what Allaah has said, erase my speech). He said this during the early days of Islaam fearing that the recited revelation would merge with the unrecited revelation. However, he later allowed others to record his speech.

‘Abdullaah Bin ‘Umar used to record his speech, and one of his writings was entitled As Saadiqa which his grandson ‘Amr Bin Shu’ayb has narrated. In fact, this writing is one of the most reliable compilations of prophetic tradition, and some scholars have compared the chain of ‘Amr Bin Shu’ayb to that of Ayyoob who narrated via Naafi’ and Ibn ‘Umar. As Saadiqa was also valued by Aboo Haneefa, Maalik, Ash Shaafi’ee, and Ahmad.

Chapter

The Prayer Of The Prophet (May Allaah Send Salutations Upon Him) Inside The Ka’ba

The prophet (may Allaah send salutations upon him) entered the Ka’ba and performed prayer therein. However, he did not do so until the images were effaced. This proves that it is disliked to pray in an area where images are found, and this is more disliked than performing prayer in a restroom. Reason being, it is prohibited to perform prayer in a rest room either because it is thought to be unclean or because it is thought to be the home of Shaytaan, and it is. As for an area where images are found, it is thought to be a source of polytheism, and the polytheism of most nations was prompted by images and graves.

Chapter

What Has Been Narrated Concerning The Turban Of The Prophet (May Allaah Send Salutations Upon Him) On The Day Of Conquest

He entered Makka wearing a black turban which proves that black

clothing may be worn occasionally. However, the successors of Banoo Al 'Abbaas adopted black clothing as a symbol, but the prophet (may Allaah send salutations upon him) did not wear black clothing regularly, nor was black clothing a symbol of his during gatherings. Rather, it was a coincidence that he wore a black turban on the day of conquest, though he was the only one who did so, and his turban was the only article of clothing which was black. In fact, his banner was white.

Chapter

The Prohibition Of Temporary Marriage

Temporary marriage was permitted and then prohibited before he left Makka. As for the time of this prohibition, four views exist:

1. Ash Shaafi'ee and others have said that temporary marriage was prohibited on the day of Khaybar.

2. Ibn 'Uyayna and others have said that temporary marriage was prohibited during the year of the conquest of Makka.

3. It has been said that temporary marriage was prohibited during the year of Hunayn, though this view is no different than the view which has preceded it, because the battle of Hunayn and the conquest were consecutive.

4. It has been said that temporary marriage was prohibited during the year of the farewell pilgrimage, though the narrators who have said this were mistaken.

The truth of the matter is that temporary marriage was prohibited during the year of the conquest, because it has been narrated in Saheeh Muslim that the companions enjoyed temporary marriage that year upon the consent of the prophet (may Allaah send salutations upon him). In addition, if temporary marriage was prohibited at the time of Khaybar, it would have been abrogated twice. Furthermore, there were no believing women in Khaybar, but rather Jewish women, and the women of the book had not become lawful yet.

Allaah has said: **{wholesome food and the food of the people of the book is now lawful for you, and your food is lawful for them. Chaste believing women and chaste women of the book are also lawful for you}** [Al Maa'ida/5].

﴿الْيَوْمَ أُحِلَّ لَكُمُ الطَّيِّبَاتُ وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حِلٌّ لَكُمْ وَطَعَامُكُمْ حِلٌّ لَهُمْ وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ

وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ﴾ [المائدة: 5]

The battle of Khaybar preceded this revelation, and the believers did desire the women of the enemy before the conquest, though they became their slaves thereafter.

One may ask: how do you respond to the narration of 'Alee Bin Abee

Taalib which states that the messenger of Allaah (may Allaah send salutations upon him) prohibited temporary marriage and the consumption of domesticated asses on the day of Khaybar?

Sufyaan Bin 'Uyayna has said: he prohibited the consumption of domesticated asses at the time of Khaybar and not temporary marriage, and Aboo 'Amr has mentioned this in At Tamheed, then he said: this is maintained by the majority.

One may ask: how could it be beneficial to combine two prohibitions if they did not transpire at the same time?

This tradition has been narrated by 'Alee Bin Abee Taalib in response to his cousin 'Abdullaah Bin 'Abbaas who considered temporary marriage and domesticated asses lawful. 'Alee narrated that the former and latter were unlawful, though he stated that the latter was prohibited at the time of Khaybar, but he did not state when the former was prohibited. Rather, he said: the messenger of Allaah (may Allaah send salutations upon him) prohibited temporary marriage, and he prohibited domesticated asses on the day of Khaybar. This was also said by Sufyaan Bin 'Uyayna and is the majority opinion. Consequently, 'Alee narrated that temporary marriage and domesticated asses were unlawful, though he did not state that both were prohibited on the day of Khaybar, and success lies with Allaah.

However, another issue arises. Was temporary marriage absolutely forbidden, or was it permissible due to necessity? Ibn 'Abbaas has said: I hold that it is permissible due to necessity like the flesh of an animal which has not been slaughtered or flesh which is blood covered. However, when people began to enjoy temporary marriage without necessity, Ibn 'Abbaas retracted his ruling. Whereas, Ibn Mas'ood held that temporary marriage was permissible asserting that Allaah has said: **{O you who believe, do not forbid the good which Allaah has declared lawful}** [Al Maa'ida/87].

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَحْزَمُوا طَيِّبَاتٍ مَا أَحَلَّ اللَّهُ لَكُمْ﴾ [المائدة: 87]

Ibn Mas'ood has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) during battle, though we had no women. As a result, we asked: shall we castrate ourselves? Thereafter, he allowed us to marry temporarily and to give a garment as a dowry. Ibn Mas'ood then recited the following verse: **{O you who believe, do not forbid the good which Allaah has declared lawful, and do not transgress. Allaah surely dislikes those who do wrong}** [Al Maa'ida/87].

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَحْزَمُوا طَيِّبَاتٍ مَا أَحَلَّ اللَّهُ لَكُمْ وَلَا تَعْتَدُوا﴾

﴿إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ﴾ [المائدة: 87]

The fact that Ibn Mas'ood recited this verse after the preceding prophetic

tradition suggests the following:

1. If temporary marriage was not good, the messenger of Allaah (may Allaah send salutations upon him) would not have declared it lawful.

2. One who permits temporary marriage absolutely is a transgressor, because the messenger of Allaah (may Allaah send salutations upon him) permitted temporary marriage due to necessity.

One may ask: how do you respond to the narration of Jaabir and Salama Bin Al Akwa' who have said: the herald of the messenger of Allaah (may Allaah send salutations upon him) announced the following: the messenger of Allaah (may Allaah send salutations upon him) has allowed you to enjoy temporary marriage?

It has been said that this was during the conquest and that temporary marriage was prohibited thereafter, because Salama Bin Al 'Akwa has said: the messenger of Allaah (may Allaah send salutations upon him) allowed us to enjoy temporary marriage three times during the year of Awtaas, then he prohibited it. The year of Awtaas was the year of the conquest, because Awtaas and the conquest of Makka were consecutive.

One may ask: how do you respond to the narration of Jaabir Bin 'Abdillaah who has said: we would enjoy temporary marriage for several days having given a handful of dates and flour as a dowry, and this was during the time of the messenger of Allaah (may Allaah send salutations upon him) and Aboo Bakr. However, 'Umar forbade this thereafter?

Two views exist in this regard. One group says: it was 'Umar who forbade temporary marriage, and the messenger of Allaah (may Allaah send salutations upon him) has enjoined adherence to the rightly guided successors. This group does not accept the narration of Sabra Bin Ma'bad which states that temporary marriage was forbidden during the year of the conquest, because it has been relayed via 'Abdul Malik Bin Ar Rabee' Bin Sabra, his father, and his grandfather. Ibn Ma'een has criticized 'Abdul Malik Bin Ar Rabee' Bin Sabra, and Al Bukhaaree did not wish to include his narration in his compilation, even though it is vital. However, if his narration were reliable, Al Bukhaaree would not hesitate to utilize it.

If this narration were reliable, 'Umar would not have said: temporary marriage was enjoyed during the time of the messenger of Allaah (may Allaah send salutations upon him) , though I prohibit it and punish those who enjoy it. In fact, he used to say: he (may Allaah send salutations upon him) has prohibited it. It has been said: if this narration were reliable, temporary marriage would not have been enjoyed during the time of Aboo Bakr.

Another group considers the narration of Sabra reliable, and 'Alee has narrated that the messenger of Allaah (may Allaah send salutations upon him) has prohibited temporary marriage. As for the narration of Jaabir Bin 'Abdillaah, it would have to be said that it did not become common

knowledge that temporary marriage was prohibited until the time of 'Umar when people began to debate about the matter. In light of this, the preceding narrations can be reconciled.

Chapter

As for the legal benefit of the story of the conquest, it proves that an apostate may be killed without being asked to repent. 'Abdullaah Bin Sa'd Bin Abee Sarh accepted Islaam and migrated, and he used to record the revelation for the messenger of Allaah (may Allaah send salutations upon him), then he apostated and relocated to Makka. Thereafter, 'Uthmaan Bin 'Affaan brought him to the messenger of Allaah (may Allaah send salutations upon him) to pledge allegiance to him. However, he withdrew from him and said: (rather, I withdrew from him so that one of you would kill him).

His apostacy was severe since he had migrated and recorded the revelation before returning to the polytheists. Although the messenger of Allaah (may Allaah send salutations upon him) wanted to kill him, he became timid upon the arrival of 'Uthmaan Bin 'Affaan, thus he did not call for his death. Rather, he withdrew from him so that his one of his companions would kill him. However, their respect for the messenger of Allaah (may Allaah send salutations upon him) prevented them from acting without his permission.

Nevertheless, 'Abdullaah Bin Sa'd Bin Abee Sarh was amongst those whom Allaah excluded when he said: **{how could Allaah guide a people who became disbelievers, and he does not guide the unjust. They are cursed by Allaah, the angels, and all mankind. They will be punished for eternity without leniency nor respite, except for those who repent and do good, and Allaah is indeed forgiving and merciful}** [Aalu 'Imraan/86].

﴿كَيْفَ يَهْدِي اللَّهُ قَوْمًا كَفَرُوا بَعْدَ إِيمَانِهِمْ وَشَهِدُوا أَنَّ الرَّسُولَ حَقٌّ وَجَاءَهُمُ الْبَيِّنَاتُ وَاللَّهُ لَا يَهْدِي الْقَوْمَ الظَّالِمِينَ﴾ (٨٦) أُولَئِكَ جَزَاءُهُمْ أَنْ عَلَيْهِمْ لَعْنَةُ اللَّهِ وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ ﴿٨٧﴾ خَالِدِينَ فِيهَا لَا يُخَفَّفُ عَنْهُمْ الْعَذَابُ وَلَا هُمْ يُنظَرُونَ ﴿٨٨﴾ إِلَّا الَّذِينَ تَابُوا مِنْ بَعْدِ ذَلِكَ وَأَصْلَحُوا فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ ﴿٨٩﴾ [آل عمران: 86-89]

Chapter

The Battle Of Hunayn Which Is Referred To As The Battle Of Awtaas

Hunayn and Awtaas are two places which are located between Makka and Taa'if, thus this battle has been named after the it's location. It has also

been named the battle of Hawaazin, because it was this tribe which came to fight the messenger of Allaah (may Allaah send salutations upon him).

Ibn Ishaq has said: Once the tribe of Hawaazin heard that the messenger of Allaah (may Allaah send salutations upon him) was granted victory by Allaah, Maalik Bin 'Awf An Nasree mobilized them, and they were joined by the entire tribes of Thaqeef, Mudirr, and Jashm. They were also joined by Sa'd Bin Bakr and a few members of the tribe of Banoo Hilaal.

The messenger of Allaah (may Allaah send salutations upon him) sent 'Abdullaah Bin Abee Hadrad Al Aslamee to dwell amongst the tribe of Hawaazin in order to gather information. As a result, he intermingled with them until he discovered that they had intended to attack the messenger of Allaah (may Allaah send salutations upon him). Thereafter, he came to him and informed him of his findings.

Someone mentioned to the messenger of Allaah (may Allaah send salutations upon him) that Safwaan Bin Umayya had armor and weapons, and he was a polytheist at the time. In any event, he said to him: (O Aboo Umayya, lend us your weapons, because we will meet our enemy tomorrow), and he did so.

The messenger of Allaah (may Allaah send salutations upon him) proceeded while joined by 2, 000 people of Makka and 10, 000 of his companions who participated in the conquest of Makka, and 'Attaab Bin Usayd was placed in command of Makka.

Ibn Ishaq has said: 'Aasim Bin 'Umar has informed me that Qataada, and 'Abdur Rahmaan Bin Jaabir have narrated that 'Abdullaah Bin Jaabir has said: as we faced the valley of Hunayn, we descended into a valley of Tihaama. However, the enemy had preceded us and were hiding ready for battle. Thereafter, the soldiers retreated, so the messenger of Allaah (may Allaah send salutations upon him) asked: (where are you going? !I am the messenger of Allaah Muhammad Bin 'Abdillaah).

A segment of the muhaajiroon, the Ansaar, and the relatives of the messenger of Allaah (may Allaah send salutations upon him) remained present. Aboo Bakr and 'Umar were amongst the muhaajiroon, and the following relatives of the messenger of Allaah (may Allaah send salutations upon him) were present as well:

'Alee

Al 'Abbaas

Aboo Sufyaan Bin Al Haarith and his son

Al Fadl Bin Al 'Abbaas

Rabee'a Bin Al Haarith

Usaama Bin Zayd

Ayman Bin Umm Ayman who was killed

It has been narrated that the messenger of Allaah (may Allaah send salutations upon him) threw pebbles in the faces of the disbelievers and said: (by the lord of Muhammad, may you be defeated). Narrated by Muslim.

It has also been narrated that he dismounted his mule, took a handful of dust, and faced them. Thereafter, the dust filled their eyes and they retreated.

Ibn Ishaq has mentioned that Jubayr Bin Mut'im has said: in the midst of the battle of Hunayn, ants descended filling the valley. Thereafter, the enemy was defeated, thus I am certain that the ants were angels.

Ibn Ishaq has said: once the polytheists were defeated, they and Maalik Bin 'Awf came to At Taa'if. Thereafter, the messenger of Allaah (may Allaah send salutations upon him) sent Aboo 'Aamir Al Asha'ree in pursuit of the polytheists who advance toward Awtas. Once he reached them, he was killed with a spear. As a result, Aboo Moosa Al Asha'ree took the flag, and he was the nephew of Aboo 'Aamir Al Asha'ree. Once he began to fight, Allaah granted him victory, and he killed the one who murdered Aboo 'Aamir Al Asha'ree. Consequently, the messenger of Allaah (may Allaah send salutations upon him) said: (O Allaah, forgive Aboo 'Aamir and his family, and place him above many others on the day of resurrection). He then sought forgiveness three times for Aboo Moosa.

Maalik Bin 'Awf proceeded until reaching the fortress of Thaqeef when the messenger of Allaah (may Allaah send salutations upon him) ordered that the prisoners and spoils be collected. Thereafter, he distributed the wealth, and the first to receive it were those whose hearts were sought. Consequently, he gave Aboo Sufyaan forty *uwqia* of silver and 100 camels, and Aboo Sufyaan said: Yazeed is my son, so he said: (give him forty *uwqia* and 100 camels). He then said: Mu'aawiya is my son, so he said: (give him forty *uwqia* and 100 camels). He gave Hakeem Bin Hizaam 100 camels, and when he asked for 100 more, he conceded. He gave An Nadir Bin Al Haarith 100 camels. He gave Al 'Allaa Bin Haaritha Ath Thaqafee fifty camels, and he gave Al 'Abbaas Bin Mirdaas 100 camels.

He commanded Zayd Bin Thaabit to calculate the spoils and the prisoners, and each man was allotted four camels and forty sheep. Whereas, each horseman was allotted twelve camels and 120 sheep.

Ibn Ishaq has said: 'Aasim Bin 'Umar Bin Qataada has informed me that Mahmood Bin Labeed has narrated that Sa'eed Al Khudree has said: the messenger of Allaah (may Allaah send salutations upon him) gave to the Quraysh and other tribes, though he did not give to the ansaar, and this disturbed them.

Sa'd Bin 'Ubaada said: O messenger of Allaah, you have troubled the neighborhood of the ansaar. You gave many spoils to your people and other tribes, though this neighborhood has received nothing. Thereafter, the prophet (may Allaah send salutations upon him) came to the ansaar and

said: (O ansaar, did you not wish for the people to depart with camels and sheep while you departed with the messenger of Allaah? By he in whose hand is the soul of Muhammad, what you have left with is better than what they have left with. Had I not migrated, I would have chosen to be one of you. If the people were to traverse valleys and ravines, I would follow the Ansaar. O Allaah, have mercy upon the ansaar and their progeny). He said: consequently, the people wept until their beards became wet, and they said: we are pleased with the allocation of the messenger of Allaah (may Allaah send salutations upon him). Thereafter, the messenger of Allaah departed and the ansaar dispersed.

Ash Shaymaa Bint Al Haarith Bin ‘Abdil ‘Uzza arrived and said: O messenger of Allaah, I am your sister through nursing. He asked: (what indicates this) ? She replied: when you bit me, a mark remained on my back. He said: since the messenger of Allaah (may Allaah send salutations upon him) recognized the mark, he allowed her to sit upon his overgarment and he said: (if you wish to stay, hospitality awaits. However, if you seek possessions, then return to your people). She said: give me possessions and send me to my people, and he did. As a result, Banoo Sa’d claimed that he had given her a male and female slave and that she had joined them in marriage. Aboo ‘Umar has said: she accepted Islaam, so the messenger of Allaah (may Allaah send salutations upon him) gave her three male slaves, one female slave, and livestock. He also named her Hadhaafa.

Chapter

The Arrival Of The Delegation Of Hawaazin

The delegation of Hawaazin came to the messenger of Allaah (may Allaah send salutations upon him) , and they were headed by Zuhayr Bin Sard. Amongst this group of fourteen people was Aboo Barqaan who was the uncle of the messenger of Allaah (may Allaah send salutations upon him) through nursing, and they came seeking their wealth, women, and children.

He said: (once you have prayed at sunrise, stand and say: we ask that the messenger of Allaah (may Allaah send salutations upon him) seek the intercession of the believers so that are women and children may be returned, and we ask that the believers seek the intercession of the messenger of Allaah (may Allaah send salutations upon him) so that our women and children may be returned). Once they did this, the messenger of Allaah (may Allaah send salutations upon him) said: (as for what ‘Abdul Muttalib and I have received, it belongs to you). As a result, the muhaajiroon and ansaar said: what we have received belongs to the messenger of Allaah (may Allaah send salutations upon him). Thereafter, Al Aqra’ Bin Haabis said: as for myself and Banoo Tameem, we refuse. Banoo

Saleem said: what we have received belongs to the messenger of Allaah (may Allaah send salutations upon him) , and Al ‘Abbaas Bin Mirdaas said: you have weakened me. Thereafter, they returned the women and children as requested by the messenger of Allaah (may Allaah send salutations upon him) , and the only one who did not concede was ‘Uyayna Bin Hisn. However, he ultimately relinquished the elderly woman whom he had obtained, and the messenger of Allaah (may Allaah send salutations upon him) clothed the women and children individually.

Chapter

The Legal Benefit And Wisdom Of This Story In Brief

Allaah the magnificent promised his messenger that people would accept Islaam en masse upon the conquest of Makka. Thereafter, his wisdom necessitated that the tribe of Hawaazin unite in order to wage war against the messenger of Allaah (may Allaah send salutations upon him) and the believers so that he could grant them victory.

His wisdom necessitated that the believers taste the bitterness of defeat so that the heads which were raised upon the conquest would be lowered. Whereas, the messenger of Allaah (may Allaah send salutations upon him) entered the sacred territory having humbled himself before Allaah. In fact, his chin nearly touched his saddle.

Once the believers became heartbroken, Allaah granted them serenity and supported them with allies whom they had never seen.

Allaah the glorified forbade the army from seeking the spoils of Makka, and Aboo Daawud has narrated that Wahb Bin Munabbih has said: I asked Jaabir if they obtained any spoils, and he replied: no. However, they conquered Makka with an army of 10, 000 men and a cavalry.

Once Allaah had granted victory, it was said: we do not need you blood, women, or children. Consequently, Allaah the glorified inspired them to repent, thus they arrived having accepted Islaam. As a result, it was said: we will release your women and children, and Allaah has said: **{if Allaah finds good in your heart, he will pardon you and give you more than what you have lost, and Allaah is forgiving and merciful}** [Al Anfaal/70].

﴿إِنْ يَرَوْا كِسْفًا مِّنَ السَّمَاءِ سَاقِطَةً فَلَوْ أَنَّ لَكُمْ كِسْفًا مِّنَ السَّمَاءِ سَاقِطَةً فَلَوْ أَنَّ لَكُمْ كِسْفًا مِّنَ السَّمَاءِ سَاقِطَةً﴾

وَاللَّهُ عَفُورٌ رَّحِيمٌ ﴿٧٠﴾ [الأنفال: 70]

The first battle was the battle of Badr and the final battle was the battle of Hunayn, thus Allaah has joined the former and latter, although seven years elapsed in the interim. In fact, the angels assisted the believers, and the prophet (may Allaah send salutations upon him) threw pebbles in the faces of the polytheists in both battles.

Chapter

The imaam must dispatch spies to gather information regarding the enemy. He must also advance if he discovers that the enemy intends to attack, because the prophet (may Allaah send salutations upon him) pursued the tribe of Hawaazin and met them at Hunayn.

An imaam may borrow the weapons of the polytheists in order to fight the enemy, because the messenger of Allaah (may Allaah send salutations upon him) borrowed the armor of Safwaan.

The epitome of reliance is to employ the means by which an objective is attained, because the messenger of Allaah (may Allaah send salutations upon him) and his companions armed themselves before meeting the enemy. In addition, the messenger of Allaah (may Allaah send salutations upon him) entered Makka wearing a helmet, and Allaah has said: **{Allaah will protect you from the people}** [Al Maa'ida/67].

﴿أَطِيعُوا اللَّهَ وَاللَّهُ يَعْصِمَكَ مِنَ النَّاسِ﴾ [المائدة: 67]

Those who are unanalytical respond either by saying that he acted as such in order to educate others, or that he acted as such before the previous verse was revealed. In fact, when some rulers inquired about a matter, a prophetic tradition which Aboo Al Qasim Bin 'Asaakir has included in At Taareekh Al Kabeer was mentioned. This prophetic tradition states that the messenger of Allaah (may Allaah send salutations upon him) ceased to eat after receiving a poisoned sheep which a Jewish woman has offered him as a gift.

It has been said: this serves as a precedent for kings. Consequently, someone asked: how could one reconcile this prophetic tradition and the following verse: **{Allaah will protect you from the people}**?

﴿وَاللَّهُ يَعْصِمَكَ مِنَ النَّاسِ﴾ [المائدة: 67]

Had Allaah guaranteed his safety, he would have known that none could harm him.

Some have responded by saying that this indicates that the previous narration is unreliable, though others have responded by saying that this incident occurred before the previous verse was revealed. They have also said that he did not act as such thereafter. However, if they were to reflect, they would realize that the fact that Allaah had guaranteed his safety does not contradict his cautiousness.

Similarly, Allaah the glorified has stated that his religion would reign supreme, though this does not contradict the fact that he has commanded the believers to fight, or that he has commanded them to prepare and to be wary.

The prophet (may Allaah send salutations upon him) was acquainted with his lord and obedient to him to such an extent that he could not neglect the

means which lead to victory. Similarly, the glorified guaranteed that he would live to convey the message, though he employed the means of survival.

Many people are confused in this regard such that some neglect supplication claiming that it is useless, because what is sought will be attained if it has been decreed. However, this is provided that one employs the necessary means, and supplication is one of the greatest means of attainment. In reality, those who are mistaken in this regard are no different than those who say: if Allaah has decreed that I become full, I will become full even without eating. Consequently, it is useless to eat.

Chapter

Guaranteeing What One Borrows

The prophet (may Allaah send salutations upon him) said to Safwaan: (rather, this is a secured loan). However, a question arises: did he describe a legal procedure, or did he guarantee that he would return what he sought to borrow? There is a discrepancy in this regard.

Ash Shaafi'ee and Ahmad have said that it is stipulated that a borrowed item be replaced if lost. Whereas, Aboo Haneefa and Maalik have said that it is merely stipulated that a borrowed item be returned. However, Maalik has said that this is provided that the item borrowed is one which cannot disappear.

He (may Allaah send salutations upon him) has said: (rather, this is a secured loan), though did he mean that he would replace the item if lost, or that he would merely replace the item? Although, both the former and latter are possible, the latter is a more likely possibility for the following reasons:

1. The following has appeared in another wording: (rather, it is a loan which shall be returned). This clarifies that his statement: (rather, this is a secured loan) means that he guaranteed to return what he had borrowed.
2. Safwaan did not ask what would be done if his property were lost. Otherwise, the prophet (may Allaah send salutations upon him) would have guaranteed his property.
3. He described what he had borrowed as guaranteed. Otherwise, he would have guaranteed to replace what was lost.

One may say: it has been narrated that some of the armor was lost and that the prophet (may Allaah send salutations upon him) offered to replace it, so did he seek to do something obligatory desirable, or permissible?

What he did was an act of good character. However, he would have replaced what was lost had he been obliged to do so.

Chapter

May The Horses Of The Enemy Be Slaughtered?

It is permissible to slaughter the riding animals of the enemy if this may

assist one to kill the enemy, because 'Alee slaughtered a pregnant camel belonging to a flag bearer of the disbelievers.

The messenger of Allaah (may Allaah send salutations upon him) forgave the enemy. In fact, he annointed the chest of an enemy of his and supplicated for him. Thereafter, they became intimate friends.

Prophetic miracles were displayed during this battle, thus he revealed the thoughts of Shayba, and he remained steadfast when he was deserted. He said: (I am the prophet and this is no lie. I am the son of 'Abdul Muttalib).

Allaah caused the dust which he had gathered to fill the eyes of his enemies who were at a distance from him. Similarly, the angels descended to fight with him. In fact, they were seen by the enemy and some of the believers.

An imaam may delay the division of spoils until the enemy accepts Islaam at which point they are returned. This is the evidence of those who hold that spoils are owned once they are divided and not once they are obtained. In light of this, if one who is entitled to spoils dies before they are divided, his portion is given to other recipients, though it is not given to his heirs. This was the view of Aboo Haneefa.

Chapter

What Has Been Narrated Concerning What Was Given To The Quraysh And Those Whose Hearts Were Sought After The Battle Of Awtaas

Was what the prophet (may Allaah send salutations upon him) gave the Quraysh and those whose hearts were sought taken from the spoils, 1/5 of the spoils, or 1/5 of 1/5 of the spoils? Maalik and Ash Shaafi'ee have said that it was taken from 1/5 of 1/5 of the spoils and that Allaah has allocated this portion for the prophet (may Allaah send salutations upon him). Consequently, He did not seek permission before giving this portion away, though he would have if it were taken from the spoils. In addition, this portion was not taken from 1/5 of the spoils, because it was divided into fifths.

The prophet (may Allaah send salutations upon him) gave spoils to tribal leaders so that their people would be attracted to Islaam. In fact, there were those who said the messenger of Allaah (may Allaah send salutations upon him) gave to me when I despised none more than him. However, he continued to give until none is dearer to me. As a result, the believers became strong while disbelievers became weak. Meanwhile, the hearts of tribal leaders were won, and their sentiment was shared by their people. Consequently, when the leaders accepted Islaam, so did their people, thus this endowment was of tremendous benefit.

It is well known that the spoils are for Allaah and his messenger, and his messenger may distribute them as ordered. Consequently, if he were to give the spoils entirely to tribal leaders, he would not have been unfair or imprudent. However, since Dhool Khuwaysira At Tameemee and those similar to him did not realize this, they said: be fair, because you have been unjust. It was also said that the face of Allaah was not sought upon the division of these spoils.

Allaah the glorified was entitled to allocate the spoils as he desired. Consequently, he did not allow the believers to obtain the spoils of Makka, and other spoils he set ablaze. Nevertheless, he remains the most equitable and prudent.

Allaah was most graceful when he allowed the people to return home with the messenger of Allaah (may Allaah send salutations upon him) , and he satisfied those who could not appreciate this favor by giving them a sheep or a camel. Similarly, a child and an adult are given what befits their intellect.

One may ask: may an imaam treat his enemy the way the prophet (may Allaah send salutations upon him) did if necessary?

An imaam does what is best for the religion and the believers, so he may act as such if necessary. Although this could be harmful, it could be far more harmful not to appease the enemy. In fact, it is a legal precept that the greater detriment be offset by the lesser detriment, and that the greater benefit be attained by waiving the lesser benefit. In reality, worldly and secular interests rest upon these two maxims, and success lies with Allaah.

Chapter

One May Take The Possessions Of One Whom He has Killed

He said during this battle: (if one has killed another and can prove it, he may take his possessions).

He said this during a previous battle as well, though scholars have not agreed whether one is legally entitled to the possessions of one whom he kills or if a provision must be made. Two views exist in this regard and both have been attributed to Ahmad.

1. Ash Shaafi'ee has said that one is legally entitled to the possessions of one whom he kills regardless if the imaam has made a provision.

2. Aboo Haneefa has said that one is not entitled to the possessions of one whom he kills unless the imaam has made a provision. Whereas, Maalik has said that this provision cannot be made before combat. In fact, he has said: I have not been informed that the prophet (may Allaah send salutations upon him) said: (if one has killed another and can prove it, he may take his possessions) at any time other than the day of Hunayn, and he distributed

the spoils once the battle had ended.

This discrepancy is due to the fact that the prophet (may Allaah send salutations upon him) was an imaam, a judge, and a mufti. He was also a messenger, thus a decree of his can remain general until the day of resurrection, for example he has said: (if anyone introduces something foreign to our affair, it will be rejected).

When Hind Bint 'Utba the wife of Aboo Sufyaan complained that her husband did not adequately provide for her, he said: (take what will suffice you and your child). This is a fatwa and not a judgement since he did not seek a response from Aboo Sufyaan and did not ask his wife to provide evidence.

He also spoke as an imaam serving the best interests of his nation, thus each imaam should be mindful of these decisions in terms of time, place, and condition.

Based upon this, scholars differ concerning many prophetic traditions such as the following statement: (if one has killed another and can prove it, he may take his possessions). Is this a ruling which concerns the imaam, or is it a general ruling? Similarly, he has said: (if one revives dead ground, it belongs to him). Does this apply to all, or does it apply only to those whom the imaam has sanctioned? Ash Shaafi'ee and Ahmad maintained that it applies to all.

Chapter

One Who Claims That He Has Killed Upon The Battlefield Is Obligated To Provide Evidence Or Testimony

He (may Allaah send salutations upon him) has said: (if one has killed another and can prove it, he may take his possessions). This proves the following:

If one claims to have killed a disbeliever, he must provide evidence in order to receive his possessions.

This claim may be verified by one person who is not obliged to swear, because Aboo Qataada has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) during the year of Hunayn where I saw a polytheist strike a believer. Consequently, I approached him from behind and struck his shoulder, so he turned around and almost squeezed me to death, and then he died. Thereafter, the messenger of Allaah (may Allaah send salutations upon him) said: (if one has killed another and can prove it, he may take his possessions). Consequently, I stood and asked: who will testify for me? He then repeated himself, so I asked: who will testify for me? He then repeated himself, so I asked: who will testify for me? Thereafter, I stood and the messenger of Allaah (may Allaah send salutations upon him) asked: (what is wrong with you O Aboo Qataada) ?

As a result, I told him my story, so a man said: he has told the truth. I have the possessions of the one whom he has killed, so the messenger of Allaah (may Allaah send salutations upon him) said: (he has told the truth, so give him his possessions).

Three views exist in this regard, and this is one of them, and it is maintained by the legal school of Ahmad.

A witness is obliged to swear, and this view has been attributed to Ahmad. However, he has stated that two witnesses are required due to the nature of his claim.

This story also proves that a witness is not required to say I declare, and this view has been attributed to Ahmad. However, his companions insist that a witness say I declare, and this was the view of Maalik. However, our teacher has said: not one of the companions or those who succeeded them were known to have required a witness to say I declare.

Allaah has said: **{say: do you declare that there are deities beside Allaah. Say: I will not testify}** [Al An'aam/19].

﴿أَيُّكُمْ لَتَشْهَدُونَ أَنَّ مَعَ اللَّهِ إِلَهَةً أُخْرَىٰ قُلْ لَا أَشْهَدُ﴾ [الأنعام: 19]

{They have said: we have testified against ourselves, and they were deceived by the life of this world, and they testified that they were disbelievers} [Al An'aam/130].

﴿قَالُوا شَهِدْنَا عَلَىٰ أَنْفُسِنَا وَغَرَّتْهُمُ الْحَيَاةُ الدُّنْيَا وَشَهِدُوا عَلَىٰ أَنْفُسِهِمْ

أَنَّهُمْ كَانُوا كَافِرِينَ﴾ [الأنعام: 130]

{But Allaah testifies with what he has revealed to you. He has revealed it with his knowledge and the angels affirm this, and Allaah is a sufficient witness} [An Nisaa/166].

﴿لَكِنَّ اللَّهَ يَشْهَدُ بِمَا أَنْزَلَ إِلَيْكَ أَنْزَلَهُ بِعِلْمِهِ وَالْمَلَكُ يَشْهَدُونَ

وَكَفَىٰ بِاللَّهِ شَهِيدًا﴾ [النساء: 166]

{He said: then testify and we will all be witnesses} [Aalu 'Imraan/81].

﴿وَأَقْرَرْتُمْ وَأَخَذْتُمْ عَلَىٰ ذَٰلِكُمْ إِصْرِي قَالُوا أَقْرَرْنَا قَالَ فَاشْهَدُوا وَأَنَا مَعَكُمْ مِنَ الشَّاهِدِينَ﴾ [آل

عمران: 81]

{Allaah has declared that there is no deity worthy of worship except he} [Aalu 'Imraan/18].

﴿شَهِدَ اللَّهُ أَنَّهُ لَا إِلَهَ إِلَّا هُوَ وَالْمَلَائِكَةُ وَأُولُو الْعِلْمِ قَائِمًا بِالْقِسْطِ﴾ [آل عمران: 18]

There are numerous sworn statements in the Qur'aan and the prophetic tradition which do not include the words I declare.

Ahmad and 'Alee Bin Al Madeeneh had a dispute concerning the declaration that ten people would enter paradise. As a result, 'Alee said: I say: they are in paradise, but I do not say: I declare that they are in paradise, so Ahmad said: when you said that they are in paradise, you testified. This states that one is not required to say I declare upon testimony, and the narration of Aboo Qataada is the clearest proof of this.

One may say: the one who said that he had the belongings of the man who was killed did not testify, rather he confessed.

His speech entails a confirmation as well as a testimony, because he said: he has told the truth. This was a testimony. He also said: I have his possessions which was a confession. In actuality, the prophet (may Allaah send salutations upon him) judged in favor of the man who sought the possessions of the one whom he killed once evidence was provided, i. e. the aforementioned confirmation.

Chapter

Are The Possessions Of One Who Was Killed In Battle Given Before Or After 1/5 Of The Spoils Are Allocated?

He (may Allaah send salutations upon him) has said: (If one has killed another and can prove it, he may take his possessions). This indicates that one may take his possessions without them being divided into fifths.

Three views exist in this regard, and this is one of them.

Ibn 'Abbaas, Al Awzaa'ee, and the people of Syria maintained that these possessions are divided into fifths like spoils since both have been mentioned in the same verse.

Ishaaq has said that the imaam may divide these possessions into fifths if he considers them sizeable, and 'Umar Bin Al Khattaab acted as such. It has been narrated that Ibn Seereen has said: Al Baraa Bin Maalik killed Marzabaan Al Muraazaba in Bahrain and took his possessions. As a result, once 'Umar completed the afternoon prayer, he came to Al Baraa and said: we do not divide seized possessions, though what you have obtained is sizeable, so I will divide it. As a result, this was the first division of seized possessions in Islaam. However, the prophet (may Allaah send salutations upon him) did not divide seized possessions, nor did Aboo Bakr. As for 'Umar, his decision was based upon reason.

The prophetic tradition indicates that these possessions are included amongst undivided spoils, because the prophet (may Allaah send salutations upon him) judged in favor of the killer without considering the value of the possessions which he sought. Maalik has said: seized possessions are included amongst 1/5 of 1/5 of the spoils, and they may be had by one who does not receive a portion. Conversely, Ash Shaafi'ee has said: only one who is entitled to a portion may receive seized possessions. However, the

former opinion is most likely since the imaam may offer rewards for certain actions, and also since one receives a portion for attending battle, even if he was inactive. As for seized possessions, they are obtained with action, hence they are similar to a reward.

Chapter

What has preceded indicates that one is entitled to the possessions of all whom he kills, even if they are sizeable, and Aboo Daawud has mentioned that Aboo Talha killed twenty men on the day of Hunayn and took their possessions.

Chapter

At Taa'if

The battle of At Taa'if occurred in Shawwaal during the eighth year. Ibn Sa'd has said: when the messenger of Allaah (may Allaah send salutations upon him) intended to proceed to At Taa'if, he sent At Tufayl Bin 'Amr to destroy an idol belonging to 'Amr Bin Hammama Ad Doosee named Dhool Kaffayn, so he set it ablaze. He reached At Taa'if while joined by 400 men, and they met the messenger of Allaah (may Allaah send salutations upon him) who arrived four days latter with a tank and a catapult.

Ibn Sa'd has said: when the messenger of Allaah (may Allaah send salutations upon him) left Hunayn intending to reach At Taa'if, he was preceded by Khaalid Bin Al Waleed. Meanwhile, the tribe of Thaqeef filled their fortresses with enough provisions to last a year, and they locked themselves inside and prepared for battle. Thereafter, the messenger of Allaah (may Allaah send salutations upon him) settled near an enemy fortress where the believers were met with a barrage of arrows. Consequently, twelve people were killed, so the messenger of Allaah (may Allaah send salutations upon him) went to the present location of the Taa'if masjid, and he was accompanied by Umm Salama and Zaynab.

The believers confined the tribe of Thaqeef for eighteen days, though Ibn Ishaq has said that they confined them for more than twenty days.

Ibn Sa'd has said: Qubaysa has informed us that Sufyaan and Thawr Bin Yazeed have narrated that Makhool has said: the prophet (may Allaah send salutations upon him) aimed the catapult toward the people of At Taa'if for more than forty days. Ibn Ishaq has said: a group of believers penetrated At Taa'if while beneath a tank. Once they reached a wall, they attempted to torch it, though the tribe of Thaqeef threw pieces of hot iron at them, so they emerged. Thereafter, the tribe of Ath Thaqeef began shooting at them, and some of them were killed. As a result, the messenger of Allaah (may Allaah send salutations upon him) commanded the believers to chop down the grape trees.

Ibn Sa'd has said: a herald of the messenger of Allaah (may Allaah send salutations upon him) announced the following: any slave who emerges from his fortress and comes to us is free. Consequently, approximately fifteen men came forth including Aboo Bakra.

The messenger of Allaah (may Allaah send salutations upon him) commanded 'Umar Bin Al Khattaab to make an announcement of departure after consulting Nawfal Bin Mu'aawiya Ad Daylee. Consequently, the people asked: how could we leave before conquering At Taa'if? Thereafter, the messenger of Allaah (may Allaah send salutations upon him) allowed the believers to resume combat, though they evacuated due to the casualties which were suffered. While en route, someone said: O messenger of Allaah, supplicate against the tribe of Thaqeef, so he said: (O Allaah, guide the tribe of Thaqeef).

The messenger of Allaah (may Allaah send salutations upon him) went from At Taa'if to Al Ji'raana where he entered the ihraam of 'umra. Finally, he returned to Al Madeena.

Chapter

Ibn Ishaq has said: the messenger of Allaah (may Allaah send salutations upon him) came from Tabook to Al Madeena in Ramadaan, and a delegation of the tribe of Thaqeef arrived within the same month.

When the messenger of Allaah (may Allaah send salutations upon him) left the tribe of Thaqeef, he was met by 'Urwa Bin Mas'ood before reaching Al Madeena. Thereafter, he accepted Islaam and sought permission to call his people to Allaah. He hoped that his status would be influential. However, once he called his people to Allaah, he was struck and killed by a barrage of arrows. Consequently, some have claimed that the messenger of Allaah (may Allaah send salutations upon him) said about 'Urwa Bin Mas'ood: (someone like him amongst his people is like the companion of Yaaseen was amongst his people).

The tribe of Thaqeef came to the conclusion that they could not combat neighboring tribes, so they accepted Islaam and offered their pledge of allegiance. However, they asked the messenger of Allaah (may Allaah send salutations upon him) to allow the idol al laat to stand for three years, though he refused. As a result, they asked to him to concede for a lesser amount of time until they asked him to allow al laat to stand for a month, though he refused.

They made this request fearing a backlash which would prevent their people from accepting Islaam. Nevertheless, the messenger of Allaah (may Allaah send salutations upon him) sent Aboo Sufyaan Bin Harb and Al Mugheera Bin Shu'ba to destroy al laat.

The tribe of Thaqeef also sought an exemption from prayer and that they

not be compelled to break their idols with their own hands. As a result, the messenger of Allaah (may Allaah send salutations upon him) said: (as for breaking your idols with your own hands, we will grant you an exemption. However, a religion is no good without prayer).

Once the tribe of Thaqeef accepted Islaam and the messenger of Allaah (may Allaah send salutations upon him) completed his letter to them, he placed 'Uthmaan Bin Abee Al 'Aas in command of them, because he was one of the most diligent seekers of knowledge amongst them.

Once the people of At Taa'if accepted Islaam, Aboo Maleeh asked the messenger of Allaah (may Allaah send salutations upon him) to pay a debt which his father 'Urwa had incurred, and he agreed. As a result, Qaarib Bin Al Aswad said: and do so for Al Aswad O messenger of Allaah. In fact, 'Urwa and Al Aswad were brothers. However, the messenger of Allaah (may Allaah send salutations upon him) said: (Al Aswad died a polytheist), so Qaarib Bin Al Aswad said: rather, I am the one who must pay this debt. Consequently, the prophet (may Allaah send salutations upon him) commanded Aboo Sufyaan to use the wealth of the idol to pay the debts of 'Urwa and Al Aswad, and he did.

Chapter

The Legal Benefit Which May Be Derived From This Blessed Battle

We may deduce that fighting during the sacred months is no longer unlawful, because the messenger of Allaah (may Allaah send salutations upon him) traveled from Al Madeena to Makka at the end of Ramadaan. Ahmad has said: Ismaa'eel has informed us that Khaalid Al Hadhaa, Aboo Qallaaba, and Aboo Al Ash'ath have narrated that Shaddaad Bin Aws and the messenger of Allaah (may Allaah send salutations upon him) found a man being cupped, so he said as he held the hand of Shaddaad Bin Aws: (the one who is cupping and the one being cupped have broken their fast). This chain of narration has met the requirements of Muslim.

He shortened his prayer while in Makka for nineteen nights, then he fought the tribe of Hawaazin. Once he was done, he proceeded to At Taa'if where he confined the people for more than twenty nights according to Ibn Ishaaq, eighteen nights according to Ibn Sa'd, and forty nights according to Makhool. As a result, if you considered this, you would realize that the people of At Taa'if were confined for part of Dhool Qa'da.

Chapter

A man may fight in the presence of his wife, because the prophet (may Allaah send salutations upon him) was accompanied by Umm Salama and Zaynab during this battle.

A catapult may be used against the disbelievers, even if this results in the deaths of people who were not hostile.

The trees of the disbelievers may be chopped down in order to weaken or anger them.

If a slave escapes from the polytheists and joins the believers, he is free. Sa'eed Bin Mansoor has said: Yazeed Bin Haaroon has informed me that Al Hajjaaj and Muqsim have narrated that Ibn 'Abbaas has said: the messenger of Allaah (may Allaah send salutations upon him) used to emancipates slaves who arrived before their masters.

Sa'eed Bin Mansoor has also said: the messenger of Allaah (may Allaah send salutations upon him) issued two rulings concerning a slave and his master. He ruled that a slave who leaves the abode of war before his master is free, and he ruled that a slave who leaves the abode after his master is returned to him.

Ash Shu'ba has narrated that a member of the tribe of Thaqeef has said: we asked the messenger of Allaah (may Allaah send salutations upon him) to release Aboo Bakra who was a slave of ours who accepted Islaam. However, he refused to do so saying: (he has been emancipated by Allaah, and then his messenger).

Ibn Al Mundhir has said: this has been said by all whose narrations are sought.

Chapter

If an imaam surrounds a fortress before attaining victory and believes that it is better to evacuate, he may do so. Rather, an imaam is only obliged to remain if the benefit of doing so outweighs the detriment.

Chapter

May One Who Has Arrived From Makka Enter Ihraam Of 'Umra At Al Ji'raana?

He entered the ihraam of 'umra at Al Ji'raana having entered Makka, and this is the prophetic tradition which is observed by one who enters Makka via At Taa'if. As for the widespread practice of traveling from Makka to Al Ji'raana and from Al Ji'raana to Makka in order to perform 'umra, it is not prophetic. Rather, it is an ignorant practice.

Chapter

His Supplication For Those Who Waged War Against Him

Allaah responded to the supplication of his messenger when he asked that the tribe of Thaqeef be guided and brought to him. However, they waged war against him killing his messenger as well as other companions of his.

Nevertheless, he supplicated for them and not against them, and this was due to his immense compassion. May Allaah send salutations and peace upon him.

Chapter

The Statement Of The Most High: {They Prefer Others More Than Themselves...}

Aboo Bakr loved the prophet (may Allaah send salutations upon him) so much that he begged Al Mugheera to allow him to inform him of the arrival of the delegation of At Taa'if. This indicates that a man may ask his brother to allow him to perform an act of worship instead, and that a man may choose for his brother to do so. Consequently, scholars who maintain otherwise are mistaken.

'Aa'isha allowed 'Umar Bin Al Khattab to be buried in her room beside the prophet (may Allaah send salutations upon him) , and he requested this. Consequently, it was not disliked for him to ask or for her to concede. In light of this, if a man asks another man to allow him to take his place in the first row, it is not disliked for the former to ask or for the latter to concede. If one considers the biography of the companions, he will realize that they were not reluctant to act as such. In actuality, this is mere generosity.

In light of this, there is no reason why someone with water cannot give it to another if it is inevitable that one of them perform tayammum. In fact, he would attain the virtue of preference as well as the virtue of purification, and the book, the prophetic tradition, and good character do not prohibit this.

Chapter

What Has Been Narrated Concerning The Destruction Of Areas Intended For Polytheism

In light of this, if a group of people become thirsty and only some of them have water, one may give water to another, even if this would cause his demise. As a result, it could not be said that he committed suicide or performed an unlawful act. Rather, this is the epitome of generosity, and the most high has said: **{they prefer others more than themselves, even in times of adversity}** [Al Hashr/9].

﴿وَيُؤْثِرُونَ عَلَىٰ أَنفُسِهِمْ وَلَوْ كَانَ بِهِمْ خَصَاصَةٌ﴾ [الحشر: 9]

In fact, the companions acted as such during the conquest of Syria, and this was considered a virtue. In reality, there is no difference between allowing someone dead to receive the reward of an action and allowing another to act so that he may be rewarded, and success lies with Allaah.

Chapter

What Has Been Narrated Regarding The Demolition Of Polytheistic Monuments

A polytheistic monument may not remain for more than a day if the believers are capable of demolishing it, because it represents the greatest evil.

Those who frequented polytheistic monuments did not believe that they could create and sustain or that they could give life or cause death. Rather, they acted in the same manner that their polytheistic brethren act today. Consequently, the latter tread the path of the former, and polytheism has conquered most souls due to ignorance. Nowadays, good is evil and evil is good, and prophetic tradition is innovation and innovation is prophetic tradition.

Islaam has become unfamiliar and the learned are few. However, a faction will continue to follow the truth while waging jihaad against innovators and polytheists, and they will remain as such until Allaah the glorified inherits the earth.

Chapter

An imaam may use funds directed toward polytheistic monuments for the sake of jihaad and Muslim interests. In fact, he is obliged to act as such, because the prophet (may Allaah send salutations upon him) took funds directed toward al laat and gave them to Aboo Sufyaan, and he also payed the debts of 'Urwa and Al Aswad. An imaam is also obliged to demolish mausoleums, though he may sell them and serve Muslim interests with their proceeds.

In addition, a mausoleum cannot be granted as an endowment, because an endowment is only valid if it entails obedience to Allaah and his messenger. Consequently, a mausoleum or grave which is worshipped like an idol cannot be granted as an endowment, and all scholars and those who follow them agree.

Chapter

What Has Been Narrated Regarding The Valley Of Wajj

The valley of Wajj is located within At Taa'if and is sacred. However, scholars have differed concerning the sanctity of Wajj. The majority have said: only Makka and Al Madeena are sacred, though Aboo Haneefa has disagreed regarding the sanctity of Al Madeena. As for Wajj, Ash Shaafi'ee has considered it sacred, and he has relied upon the following: 'Urwa Bin Az Zubayr and his father have narrated that the prophet (may Allaah send salutations upon him) has said: (the trees and game of Wajj are sacred).

Narrated by Aboo Daawud and Ahmad.

Despite what Al Bukhaaree has said, it is likely that 'Urwa did not hear the narrations of his father Az Zubayr.

Chapter

The Prophet (May Allaah Send Salutations Upon Him) Sends Forth Companions To Collect Charity

Once the messenger of Allaah (may Allaah send salutations upon him) reached Al Madeena and the seventh year began, he sent forth his companions to collect charity. Ibn Sa'd has said: thereafter, the messenger of Allaah (may Allaah send salutations upon him) sent forth his companions to collect charity, and they have said: once the messenger of Allaah (may Allaah send salutations upon him) sighted the crescent of Muharram during the ninth year, he sent:

'Uyayna Bin Hisn to Banoo Tameem

Yazeed Bin Al Husayn to Aslam and Ghifaar

'Abbaad Bin Bishr Al Ashhar to Saleem and Mazeena

Raafi' Bin Makeeth to Juhayna

'Amr Bin Al 'Aas to Banoo Fizaaza

Ad Dahhaak Bin Sufyaan to Banoo Kilaab

Bishr Bin Sufyaan to Banoo Ka'b

Ibn Al Latbiyya Al Azadee to Banoo Dhabyaan

The messenger of Allaah (may Allaah send salutations upon him) ordered his companions to be lenient and not to take precious wealth.

Ibn Ishaq has said: he sent:

Al Muhaajir Bin Abee Umayya to San'aa

Ziyaad Bin Labeed to Hadramawt

'Adee Bin Haatim to Tayy and Banoo Asad

Maalik Bin Nuwayra to Banoo Handhala

Az Zabarqaan Bin Badr to Banoo Sa'd

Qays Bin 'Aasim to Banoo Sa'd

Al 'Allaa Bin Al Hadramee to Bahrain

'Alee to Najraan

Chapter

The Armies Which Were Dispatched During The Ninth Year

'Uyayna Bin Hisn Al Fizaazee was sent to Banoo Tameem in Muharram of the ninth year, and he was joined by fifty horsemen. However, he was not joined by the muhaajiroon or the ansaar.

He traveled by night and hid by day, and he attacked Banoo Tameem in the desert. However, once Banoo Tameem saw the army, they fled.

Thereafter, eleven men, twenty-one women, and thirty boys of Banoo Tameem were lead to Al Madeena and placed within the home of Ramla Bint Al Haarith. As a result, the following tribal leaders came fourth in search of them:

'Ataarid Bin Haajib
 Az Zabrqaan Bin Badr
 Qays Bin 'Aasim
 Al Aqra' Bin Haabis
 Qays Bin Al Haarith
 Na'eem Bin Sa'd
 'Amr Bin Al Ahtam
 Rabaah Bin Al Haarith

Once they saw their women and children, they wept. Consequently, they came to the door of the prophet (may Allaah send salutations upon him) and said: O Muhammad, come fourth, so the messenger of Allaah (may Allaah send salutations upon him) emerged and Bilaal uttered the iqaama. Meanwhile, the tribal leaders spoke to the messenger of Allaah (may Allaah send salutations upon him) , then he proceeded to perform the afternoon prayer. Afterward, he remained seated and was joined by 'Ataarid Bin Haajib, and once he delivered an address, Allaah revealed the following: **{most of those who called you from outside of the bedrooms are not sensible. If only they had waited until you came fourth, though Allaah is forgiving and merciful}** [Al Hujuraat/4-5].

﴿إِنَّ الَّذِينَ يَنَادُونَكَ مِنْ وَرَاءِ الْحُجُرَاتِ أَكْثَرُهُمْ لَا يَعْقِلُونَ ﴿٤﴾ وَلَوْ أَنَّهُمْ صَبَرُوا حَتَّى تَخْرُجَ إِلَيْهِمْ لَكَانَ

خَيْرًا لَهُمْ وَاللَّهُ غَفُورٌ رَحِيمٌ ﴿٥﴾﴾ [الحُجُرَات: 4-5]

As a result, the messenger of Allaah (may Allaah send salutations upon him) released the prisoners and the tribal leaders accepted Islaam.

Chapter

The Arrival Of The Delegation Of Banoo Tameem

Ibn Ishaq has said: once the delegation of Aboo Tameem arrived, they entered the masjid and said: O Muhammad, come forth. This disturbed the messenger of Allaah (may Allaah send salutations upon him) , though he came fourth at which point the delegation said: we have come to boast, so allow our poet and spokesman to speak. He said: (I will allow your spokesman to speak, so may he rise). As a result, 'Ataarid Bin Haajib stood and said: praise belongs to Allaah who has made us kings. He is graceful and has granted us an abundance of wealth which we use benevolently, and he has made us reign supreme in the east. We could say more, though we are too modest to continue. I say this so that you may offer a response which

is at least equal, and then he sat.

Consequently, the messenger of Allaah (may Allaah send salutations upon him) said to Thaabit Bin Qays Bin Shammaas: (rise and respond) , so he stood and said: praise belongs to Allaah who has created the heavens and earth, and nothing at all could exist without his grace. Thereafter, he gracefully made us kings and selected a messenger from the best of his creation. His lineage is most noble and his speech is most truthful, so Allaah revealed a book to him and entrusted him with creation. He then called man to have faith in Allaah and the migrants who are the best of people were the first to believe in him. As for ourselves, we are the aiders of Allaah and the ministers of the messenger of Allaah (may Allaah send salutations upon him). We fight until people believe, and once they do, their lives and wealth become sacred. However, when an agreement is breached, we wage jihaad for the sake of Allaah forever, and we kill with ease in this case. With this being said, I seek the forgiveness of Allaah the great for the believers, and may peace be upon you.

Chapter

Qutba Bin 'Aamir Bin Hadeeda

Qutba Bin 'Aamir Bin Hadeeda was sent fourth in the month of Safar during the ninth year. Ibn Sa'd has said: they have said: the messenger of Allaah (may Allaah send salutations upon him) sent Qutba Bin 'Aamir Bin Hadeeda and twenty men to a neighborhood of the tribe of Khath'am, and they proceeded upon ten camels. When they interrogated a man, he began to warn the locals, so they killed him. Thereafter, they settled until the locals went to sleep, and then they attacked. The battle was so intense that both sides suffered casualties, and Qutba Bin 'Aamir was killed. However, the believers returned to Al Madeena with women and livestock.

It has been narrated that the locals assembled and followed the believers, thus Allaah the glorified sent a torrential downpour which prevented them from advancing. As a result, the believers proceeded with their women and livestock as the locals looked on as they stood.

Chapter

Ad Dahhaak Bin Sufyaan Al Kilaabee

The messenger of Allaah (may Allaah send salutations upon him) sent an army led by Ad Dahhaak Bin Sufyaan Al Kilaabee to Banoo Kilaab, and he was joined by Al Asyad Bin Salama. Since Banoo Kilaab refused to accept Islaam, they were fought and defeated. When Al Asyad invited his father Salama to Islaam, he began cursing Al Asyad and his religion. As a result, Al Asyad struck his horse causing it to collapse. Thereafter, Salama clung to a spear until someone arrived and killed him.

Chapter

‘Alqama Bin Mujziz Al Madlajee

It has been narrated that ‘Alee Bin Abee Taalib has said: the messenger of Allaah (may Allaah send salutations upon him) dispatched an army placing a man of the ansaar in command. He commanded them to obey him, though they angered him. Consequently, he said: gather firewood for me, and they did. He said: light a fire, and then he asked: has not the messenger of Allaah (may Allaah send salutations upon him) commanded you to obey me? !They replied: he certainly has. He said: then enter the fire, so they looked at each other and said: rather, we came to the messenger of Allaah (may Allaah send salutations upon him) to escape the fire. Eventually, his anger subsided and so did the fire. Once they returned to the messenger of Allaah (may Allaah send salutations upon him), they informed him of what transpired and he said: (had they entered the fire, they would have never emerged) (one cannot be obedient when defying Allaah. Rather, one must do good in order to obey). Narrated by Al Bukhaaree and Muslim.

The most high has said: **{obey Allaah, the messenger, and those in authority}** [An Nisaa/59].

﴿أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِيَ الْأَمْرِ مِنْكُمْ﴾ [النساء: 59]

Ahmad has narrated that Ibn ‘Abbaas has said: this verse was revealed concerning ‘Abdullaah Bin Hadhaafa Bin Qays Bin ‘Adee whom the messenger of Allaah (may Allaah send salutations upon him) dispatched.

Chapter

‘Alee Bin Abee Taalib

The messenger of Allaah (may Allaah send salutations upon him) sent ‘Alee Bin Abee Taalib to destroy an idol belonging to the tribe of Tayy, and he was joined by 150 men of the ansaar who traveled by horse and camel.

He had a black flag and a white banner.

The army attacked at dawn and amassed livestock and prisoners, amongst whom was the sister of ‘Adee who fled to Syria leaving behind three swords and three coats of mail.

Ibn Ishaq has said: ‘Adee has said: none hated the messenger of Allaah (may Allaah send salutations upon him) more than I. When I first heard of him, I was a Christian and a man of distinction, thus I despised him.

When I came to the masjid, he was seated, so the people said: this is ‘Adee Bin Haatim. However, I was not protected. Once I reached him, he took my hand, and he had previously said: I hope that Allaah will place his hand in mine. He then rose at which point he was met by a woman and a child. They said: we need your help, so he granted them assistance. He then

took my hand and brought me home where he was offered a pillow. I then faced him as he sat on the pillow, and he asked: (what has made you flee? Have you done so to avoid declaring that there is no deity worthy of worship except Allaah, and do you know of a deity other than him) ? I replied: no. He then spoke for a while before saying: (rather, you do not wish for it to be said that Allaah is the greatest, though do you know of anything greater than Allaah) ? I replied: no. He said: (wrath has befallen the Jews, and the Christians are lost). I said: I am a Muslim and he was overjoyed.

He said after prayer: (O people, give at least a date so that you may protect your faces from the fire. If you are unable, then protect yourselves with a kind word, because you will meet Allaah and he will ask: have I not granted you wealth and offspring? One will reply: you certainly have, and then he will ask: what have you allocated for yourselves? Thereafter, one will look about and find nothing to protect him from the fire. Consequently, you must give at least a date so that you may protect yourselves from the fire. If you are unable, then you must speak a kind word.

I do not fear that you will become destitute, because Allaah will aid you until women travel safely between Yathrib and Al Hayra. Rather, it is the thieves whom I fear). As a result, I asked myself: where are the thieves of Tayy? !

Chapter

Ka'b Bin Zuhayr And The Prophet (May Allaah Send Salutations Upon Him)

This story took place after his return from At Taa'if and before the battle of Tabook.

Ibn Ishaq has said: when the messenger of Allaah (may Allaah send salutations upon him) returned from At Taa'if, Bajeer Bin Zuhayr wrote to his brother Ka'b Bin Zuhayr informing him that the messenger of Allaah (may Allaah send salutations upon him) had killed men in Makka, and that the poets of the Quraysh Ibn Az Zab'aree and Hubayra Bin Abee Wahb survived. He also informed him that the messenger of Allaah (may Allaah send salutations upon him) did not kill anyone who came to him having accepted Islaam.

Once Ka'b read the letter, he traveled to Al Madeena where he was brought to the messenger of Allaah (may Allaah send salutations upon him). Thereafter, the man who accompanied him pointed to the messenger of Allaah (may Allaah send salutations upon him) and said: this is the messenger of Allaah, so stand before him and seek his protection.

Ka'b held the hand of the messenger of Allaah (may Allaah send salutations upon him) as he sat, though the messenger of Allaah (may

Allaah send salutations upon him) did not know him. Consequently, the man who accompanied him said: O messenger of Allaah, Ka'b Bin Zuhayr has come to seek your protection having accepted Islaam, so will you concede? He replied: (yes). Ka'b said: O messenger of Allaah, I am Ka'b Bin Zuhayr.

Ibn Ishaq has said: 'Aasim Bin 'Umar Bin Qataada has informed me that a man of the ansaar rushed toward Ka'b and said: O messenger of Allaah, allow me to kill this enemy of Allaah. As a result, the messenger of Allaah (may Allaah send salutations upon him) said: (avoid him, because he has repented). Thereafter, Ka'b resented the ansaar. Whereas, the muhaajiroon only spoke well of him.

The Battle Of Tabook

The battle of Tabook took place in Rajab during the ninth year. Ibn Ishaq has said: the battle of Tabook took place during a drought.

Jidd Bin Qays who was a member of the tribe of Banoo Salama said: my people know that none is more attracted to women than I, and I fear that I will lose patience if I see the women of the tribe of Banoo Asfar. Consequently, the messenger of Allaah (may Allaah send salutations upon him) turned away from him and said: (I will concede for you) , and the following verse was revealed in this regard: **{some of them have said concede for me and spare me tribulation}** [At Tawba/49].

﴿وَمِنْهُمْ مَّنْ يَسْأَلُ أَذْنَ لِي وَلَا تَنْفَيْتِي﴾ [التوبة: 49]

Some of the hypocrites said to each other: do not go fourth in the heat, so Allaah revealed the following verse: **{they said do not go fourth in the heat}** [At Tawba/81].

﴿وَقَالُوا لَا تَنْفِرُوا فِي الْحَرِّ﴾ [التوبة: 81]

The messenger of Allaah (may Allaah send salutations upon him) commanded the people to prepare, and he encouraged the wealthy to spend for the sake of Allaah. In fact, 'Uthmaan Bin 'Affaan surpassed all in this regard.

Ibn Sa'd has said: the messenger of Allaah (may Allaah send salutations upon him) was informed that the Romans had amassed a sizeable army in Syria, and that Heracles had provided his companions with enough provisions to last a year. Thereafter, seven people came to the messenger of Allaah (may Allaah send salutations upon him) seeking transportation, so he said: (I have no means of transporting you). As a result, they turned away and began to weep since they were unable to spend for the sake of Allaah. They were:

Saalim Bin 'Umayr

'Ulba Bin Zayd

Abou Layla Al Maazinee

'Amr Bin 'Unma
 Salama Bin Sakhr
 Al 'Irbaad Bin Saariya
 Some have said that they were:
 'Abdullaah Bin Mughaffal
 Ma'qal Bin Yasaar

Others have said that they were members of the tribe of Banoo Muqrin, and Ibn Ishaq has included 'Amr Bin Al Hamaam Bin Al Jamooh.

Aboo Moosa sent his companions to the messenger of Allaah (may Allaah send salutations upon him) to seek transportation, though he was angry when they arrived. He said: (by Allaah, I have no means of transporting you). Thereafter, a camel appeared, so he said: (it is Allaah and not I who has provided you with transportation. By Allaah, when I find a better vow, I annul my previous oath).

Chapter

'Ulba Bin Zayd

'Ulba Bin Zayd stood in prayer during the night and wept. He said: O Allaah, you have enjoined and encouraged jihaad, though you did not provide your messenger with transportation, and I am charitable toward every believer when afflicted. Once he awoke, the prophet (may Allaah send salutations upon him) asked: (where is the charitable one this evening) ? However, no one stood. He then said: (may the charitable one stand) , and he stood. As a result, the prophet (may Allaah send salutations upon him) said: (rejoice, by he in whose hand is my soul, your charity has been accepted).

Ibn Sa'd has said: eighty-two men sought permission to abstain from jihaad, though it was not granted.

The messenger of Allaah (may Allaah send salutations upon him) placed Muhammad Bin Muslima Al Ansaaree in command of Al Madeena, though Ibn Hishaam has said that he placed Sibaa' Bin 'Arafata in command of Al Madeena. However, the former narration is more reliable.

Once the messenger of Allaah (may Allaah send salutations upon him) proceeded, 'Abdullaah Bin Ubayy and those amongst him remained behind. In fact, a group of believers remained behind as well, amongst whom were:

Ka'b Bin Maalik
 Hilaal Bin Umayya
 Maraara Bin Ar Rabee'
 Aboo Khaythama As Saalimee
 Aboo Dharr

However, Aboo Khaythama As Saalimee and Aboo Dharr later joined battle.

The messenger of Allaah (may Allaah send salutations upon him) was joined by thirty-thousand people, and ten-thousand of them were horsemen. He resided for twenty nights while reducing his prayer, meanwhile Heracles resided in Homs.

Ibn Ishaq has said: when the messenger of Allaah (may Allaah send salutations upon him) sought to depart, he placed 'Alee Bin Abee Taalib in charge of his family. Thereafter, the hypocrites said: he placed him in charge of his family simply to relieve himself of a burden. As a result, he took his weapons and came to the messenger of Allaah (may Allaah send salutations upon him) and said: O prophet of Allaah, the hypocrites claim that you have placed me in charge of your family simply to relieve yourself of a burden. Consequently, he said: (they have lied. Rather, I have chosen you to oversee what I have left behind, so return to my family. Would you not like to be unto me what Haroon was to Moosa? However, there will be no prophet after me). As a result, 'Alee returned to Al Madeena.

After the messenger of Allaah (may Allaah send salutations upon him) had departed, Aboo Khaythama returned to find two of his wives in two dwellings within his garden, and cold water and food awaited him. Once he looked at his wives and what they had prepared for him, he said: the messenger of Allaah (may Allaah send salutations upon him) is exposed to heat and wind while Aboo Khaythama is comfortable. By Allaah, I will not join you until I reach the messenger of Allaah (may Allaah send salutations upon him) , so give my provisions. Thereafter, he departed.

He pursued the messenger of Allaah (may Allaah send salutations upon him) until finding him at Tabook, and he was met by 'Umayr Ibn Wahb Al Jamhee while en route. Once he arrived, the people said: O messenger of Allaah, by Allaah he is Aboo Khaythama. Thereafter, he greeted the messenger of Allaah (may Allaah send salutations upon him) and informed him that he had sinned, so the messenger of Allaah (may Allaah send salutations upon him) said: (all will be well) , and then he supplicated for him.

Chapter

The Prophet (May Allaah Send Salutations Upon Him)

And His Army Traverse The Land Of Thamood

When the messenger of Allaah (may Allaah send salutations upon him) reached the land of Thamood, he said: (do not drink the water or use it for ablution. As for the dough which you have made using this water, give it to your camels and do not eat any of it. Lastly, you may not depart without a companion). Only two of the companions disobeyed this injunction. They were members of the tribe of Banoo Saa'ida, one of them went to answer a

call of nature while the other searched for his camel. As for the one who went to answer a call of nature, he was strangled. As for the one who searched for his camel, the wind carried him away. When the messenger of Allaah (may Allaah send salutations upon him) was informed of this, he asked: (did not I forbid that you depart without a companion) ? Thereafter, he supplicated for the one who was strangled and he recovered, and the tribe of Tayy granted the one who searched for his camel to the messenger of Allaah (may Allaah send salutations upon him) once he returned to Al Madeena.

The following has been narrated by Aboo Hameed: once we reached Tabook, the messenger of Allaah (may Allaah send salutations upon him) said: (the wind will be quite intense tonight, so tie your camels and do not rise). The wind was intense and a man rose, hence it carried him to the tribe of Tayy. Narrated by Muslim.

Ibn Hishaam has said: I have been informed that Az Zuhree has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (do not enter the homes of those who have oppressed themselves without weeping lest you be afflicted as well).

Ibn 'Umar has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (do not approach these miserable people without weeping lest you be afflicted as well). Narrated by Al Bukhaaree and Muslim.

It has been narrated in Saheeh Al Bukhaaree that he commanded them to discard their dough.

It has been narrated in Saheeh Muslim that he commanded them to give the dough to their camels and to spill the water, and this has been narrated by Al Bukhaaree as well.

Al Bayhaqee has mentioned that he (may Allaah send salutations upon him) made the following announcement: (congregate for prayer). Once the people assembled, he asked: (why do you approach a people who have incurred the wrath of Allaah) ? A man replied: we are astonished by them O messenger of Allaah, so he asked: (shall I inform you of what is more astonishing? There is a man from amongst yourselves who informs you of what has transpired before you and what will transpire after you. Be perpetually obedient, because your punishment is of no consequence to Allaah the magnificent, and he will bring fourth a people who will repel nothing which befalls them).

Chapter

The Miracles Of The Prophet (May Allaah Send Salutations Upon Him) During This Battle

Ibn Ishaaq has said: the people did not have water upon awaking, so they

complained to the messenger of Allaah (may Allaah send salutations upon him). As a result, he supplicated and Allaah the glorified produced a downpour.

The messenger of Allaah (may Allaah send salutations upon him) lost his camel while en route, so Zayd Bin Al Laseet who was a hypocrite asked: does he not claim to be a prophet, and does he not receive news from heaven? How could he not know where his camel is? Consequently, the messenger of Allaah (may Allaah send salutations upon him) said: (there is a man who has said...) , and then he said: (by Allaah, I only know what Allaah informs me of, and he has told me where my camel is. It is trapped in such and such ravine, so bring it to me) , and they did.

While en route, he came to a garden which he gave an appraisal value of ten awsuq.

As the messenger of Allaah (may Allaah send salutations upon him) proceeded, a man remained behind. As a result, the people began to speak about him, so he said: (if there is any good within him, Allaah will bring him to you. Otherwise, he will relieve you of him).

Someone said: O messenger of Allaah, there is a lone man walking. As a result, the messenger of Allaah (may Allaah send salutations upon him) said: (it is Aboo Dharr). Once the people began to look at him, they said: by Allaah, it is Aboo Dharr O messenger of Allaah, so he said: (may Allaah have mercy upon Aboo Dharr. He will walk and die alone, and he will be resurrected alone).

Ibn 'Aa'id has mentioned that the messenger of Allaah (may Allaah send salutations upon him) reached Tabook during a drought, so he took a handful of water and rinsed his mouth. Thereafter, he spit into the water, hence it became plentiful, and it has remained as such until today.

It has been narrated in Saheeh Muslim that he said before reaching the spring: (tomorrow you will reach the spring of Tabook if Allaah the most high has willed. However, you will not do so until the sun has risen, so do not touch the water until I arrive). Two men reached the spring before us, so the messenger of Allaah (may Allaah send salutations upon him) asked: (have you touched the water) ? They replied: yes, so the prophet (may Allaah send salutations upon him) reviled them as Allaah had willed. Thereafter, he washed his face and hands and he poured water into the spring. Consequently, the water became plentiful.

Chapter

The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Writes A Declaration Of Immunity For The People Of Ayla

Once the messenger of Allaah (may Allaah send salutations upon him) reached Tabook, a man of Ayla gave him the jizya, he also received the

jizya from the people of Jarbaa and Adhrah. As a result, he wrote a declaration of immunity for them, and he wrote the following for the man of Ayla: (in the name of Allaah, most gracious, most compassionate. This is a declaration of immunity from Allaah and the prophet and messenger to Yahna Bin Ru'ba and the people of Ayla. Their ships and caravans are protected by Allaah and Muhammad the prophet, and this applies to their companions from Syria, Yemen, and elsewhere. However, if they breach this agreement, their lives and wealth will be free for the taking. Furthermore, they may not withhold water or obstruct land or sea).

Chapter

The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Sends Khaalid Bin Al Waleed To Akaydar Dawma

Ibn Ishaq has said: the messenger of Allaah (may Allaah send salutations upon him) sent Khaalid Bin Al Waleed to Akaydar Dawma the Christian king of Kanda otherwise known as Akaydar Bin 'Abdil Malik.

The messenger of Allaah (may Allaah send salutations upon him) said to Khaalid: (you will find him hunting cows). Thereafter, Khaalid arrived on a moonlit, and he spotted Akaydar Dawma and his wife.

The cows scraped the castle gate with their horns throughout the night, so the wife of Akaydar Dawma asked: has this ever happened before? !He replied: by Allaah, it has not. She asked: can we ignore this? !He replied: no, and then he and some of his relatives including his brother Hassaan proceeded on horseback. Thereafter, they were met by the cavalry of the messenger of Allaah (may Allaah send salutations upon him) and Hassaan was killed. As for Akaydar, Khaalid brought him to the messenger of Allaah (may Allaah send salutations upon him) and his life was spared in return for the jizya, and then he returned to his village.

Ibn Sa'd has said: the messenger of Allaah (may Allaah send salutations upon him) dispatched Khaalid and 420 horsemen, and he mentioned what has preceded. He said: Khaalid spared the life of Akaydar in order to bring him to the messenger of Allaah (may Allaah send salutations upon him), and he granted him immunity in return for spoils. Thereafter, he divided the spoils and allocated 1/5 for himself before distributing what remained amongst the companions.

Ibn 'Aa'idh has mentioned that Akaydar said the following: by Allaah, I have never seen the cows come to us until yesterday.

Moosa Bin 'Uqba has said: Akaydar and Yahna gathered with the messenger of Allaah (may Allaah send salutations upon him), so he invited them to accept Islaam, though they refused. However, they agreed to give the jizya.

Returning to the story of Tabook, Ibn Ishaq has said: the messenger of Allaah (may Allaah send salutations upon him) remained for more than ten nights. Thereafter, he traveled to Al Madeena, and he said the following concerning a spring: (if anyone precedes us, he must not seek water until we arrive). However, a group of hypocrites defied him. As a result, he asked: (who has preceded us) ? Someone replied: so and so and so and so O messenger of Allaah. He asked: (did I not forbid them to seek water before my arrival) ? He then began cursing them. Afterward, he annointed the spring and began to supplicate as Allaah had willed. Consequently, the water became plentiful and the people began to drink.

It has been narrated in Saheeh Muslim that the messenger of Allaah (may Allaah send salutations upon him) said: (tomorrow you will reach the spring of Tabook if Allaah the most high has willed. However, you will not do so until the sun has risen, so do not touch the water until I arrive).

If this account is one, then it is the narration of Muslim which is reliable.

Chapter

The Death Of 'Abdullaah Al Muzanee

Ibn Hishaam has said: Muhammad Bin Ibraaheem Bin Al Haarith At Taymee has informed me that 'Abdullaah Bin Mas'ood has said: I accompanied the messenger of Allaah (may Allaah send salutations upon him) during the battle of Tabook, and one night I noticed a fire near the base. As a result, I followed it until I discovered that 'Abdullaah Al Muzanee had died, and the messenger of Allaah (may Allaah send salutations upon him) was inside the grave as Aboo Bakr and 'Umar lowered his body. Thereafter, the messenger of Allaah (may Allaah send salutations upon him) said: (lower your brother) , and then he said: (O Allaah, I was pleased with him, so may you be pleased with him as well). 'Abdullaah Bin Mas'ood said: if only I was the one being buried.

The messenger of Allaah (may Allaah send salutations upon him) said upon his return from Tabook: (there are people in Al Madeena who are with you wherever you go). Others said: but they are in Al Madeena O messenger of Allaah. He said: (but they are excused).

Chapter

Al Bayhaqee has mentioned that 'Uqba Bin 'Aamir has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) during the battle of Tabook, and one day he did not awake until sunrise. As a result, he asked: (did I not tell you to be watchful of the break of dawn O Bilaal) ? He replied: I overslept as well O messenger of Allaah. Thereafter, he relocated and performed prayer, then he proceeded to Tabook where he delivered the following sermon at dawn:

(the most truthful speech is the book of Allaah. The most reliable handhold is the reverent statement. The best religion is the religion of Ibraaheem. The finest tradition is the tradition of Muhammad. The most honorable speech is the remembrance of Allaah. The finest of narratives is the Qur'aan. The best of affairs are those which are definite. The most evil of affairs are those which are innovative. The finest guidance is the guidance of the prophets. The most honorable death is martyrdom. The most severe blindness is to become lost once you have been guided. The best of deeds are those which are beneficial. The best guidance is guidance which is implemented. The worst blindness is the blindness of the heart. The hand which gives is better than the hand which receives. What is sufficient but little is better than what is plentiful but excessive. The worst apology is made as death becomes near. The worst regret will be on the day of resurrection. A lying tongue is most detrimental. The greatest wealth is obtained by the soul. The best provision is reverence. The height of wisdom is to fear Allaah the magnificent. Wailing upon death is an ignorant practice. Spoils which are unlawfully obtained are infernal, and so is intoxication. Poetry is inspired by Iblees. The worst consumption is the wealth of an orphan. One who receives admonition through another will be joyous. To revile a Muslim is an act of sin, to kill him is an act of infidelity, and his honor is as sacred as his life. If one forgives, Allaah will forgive him, and if he restrains his anger, he will reward him. However, If one disobeys Allaah, he will punish him). He then sought the forgiveness of Allaah three times.

Ibn Wahb has said: Mu'aawiyah has informed me that Sa'eed Bin Ghazwaan has narrated that his father who was a pilgrim settled at Tabook and questioned a man who replied: I will tell you a story, though do not narrate it while I am alive. The messenger of Allaah (may Allaah send salutations upon him) settled at a date palm in Tabook and said: (this is our qibla). He then performed prayer, and I passed between him and the tree. Consequently, he said: (he has interrupted our prayer, so may Allaah leave no trace of him), thus I never did so again. Narrated by Aboo Daawud.

Wakee', Sa'eed Bin 'Abdil 'Azeez, and a slave of Yazeed Bin Namraan have narrated that Yazeed Bin Namraan has said: a man in Tabook said: I passed in front of the messenger of Allaah (may Allaah send salutations upon him) as he prayed while riding a donkey, so he said: (O Allaah, leave no trace of him). As a result, I did not do so ever again. Narrated by Aboo Daawud.

The previous two narrations are unreliable.

Chapter

He Joined Two Prayers During The Battle Of Tabook

Qutayba Bin Sa'eed, Al Layth, Yazeed Bin Abee Habeeb, Aboo At

Tufayl, and 'Aamir Bin Waathila have narrated that Mu'aadh Bin Jabl has said: when the prophet (may Allaah send salutations upon him) would depart before noon during the battle of Tabook, he would delay the afternoon prayer by joining it with the late afternoon prayer. When he would depart before sunset, he would delay the sunset prayer by joining it with the evening prayer. Conversely, when he would depart after sunset, he would perform the evening prayer in advance by joining it with the sunset prayer. Narrated by Aboo Daawud.

At Tirmidhee has said: when he would depart after noontime, he would perform the late afternoon prayer in advance by joining it with the afternoon prayer. He has said: this is an authentic (hasan ghareeb) tradition. Aboo Daawud has said: there are no reliable narrations which state that he performed prayer in advance.

Aboo Muhammad Bin Hazm has said: no scholar of prophetic tradition is aware that Yazeed Bin Abee Habeeb has heard the narrations of Aboo At Tufayl.

Yazeed Bin Khaalid Bin Yazeed Bin 'Abdillaah Bin Mawhib Ar Ramlee, Mufaddal Bin Fudaala, Al Layth Bin Sa'd, Hishaam Bin Sa'd, Aboo Az Zubayr, and Aboo At Tufayl have narrated that Mu'aadh Bin Jabl has said: when the messenger of Allaah (may Allaah send salutations upon him) would depart before noon during the battle of Tabook, he would delay the afternoon prayer by joining it with the late afternoon prayer. When he would depart before sunset, he would delay the sunset prayer by joining it with the evening prayer. Conversely, when he would depart after sunset, he would perform the evening prayer in advance by joining it with the sunset prayer. Narrated by Aboo Daawud.

Hishaam Bin Sa'd has been declared unreliable by:

Ahmad

Ibn Ma'een

Aboo Haatim

Aboo Zur'a

Yahya Bin Sa'eed

An Nasaa'ee

Aboo Bakr Al Bazaar

Aboo Daawud

Chapter

The Return Of The Prophet (May Allaah Send Salutations Upon Him)
From Tabook And The Plot Of The Hypocrites

Aboo Al Aswad has mentioned that 'Urwa has said: while the messenger of Allaah (may Allaah send salutations upon him) was returning from Tabook, some hypocrites planned to throw him from the top of an uphill path. As a result, they sought to accompany him once they reached the path,

and he said: (you may wish to traverse the valley, because it is vast). Thereafter, the messenger of Allaah (may Allaah send salutations upon him) took the uphill path and was joined by those who conspired to kill him.

The messenger of Allaah (may Allaah send salutations upon him) ordered Hudhayfa Bin Al Yamaan and 'Ammaar Bin Yasaar to accompany him. He ordered 'Ammaar to hold the bridle of the camel and he ordered Hudhayfa to steer it. As they proceeded, they heard people behind them, thus the messenger of Allaah (may Allaah send salutations upon him) became angry and commanded Hudhayfa to bring them fourth. Once Hudhayfa saw how angry he was, he struck their riding animals with a cane. However, Allaah frightened them, thus they thought that their plot was revealed. Consequently, they quickly intermingled with the people.

The prophet (may Allaah send salutations upon him) asked Hudhayfa: (did you know any of these people) ? He replied: it was dark and they were masked. The prophet (may Allaah send salutations upon him) asked: (do you know what they intended to do) ? Hudhayfa and 'Ammaar said: by Allaah, we do not know O messenger of Allaah. He said: (they planned on throwing me from the uphill path). They said: we will kill them O messenger of Allaah. He said: (I do not want people to say that Muhammad has placed a hand upon his companions). He then said: (do not reveal their plot).

Ibn Ishaq has said: the prophet (may Allaah send salutations upon him) said: (Allaah has informed me of their names and their father's names, and I will inform you of them at dawn if Allaah has willed. Thereafter, you may compile them). He said at dawn: (call 'Abdullaah Bin Ubayy, Sa'd Bin Abee Sarh, Aboo Khaatir Al A'raabee, 'Aamir, Aboo 'Aamir, and Al Jallaas Bin Suwayd Bin As Saamit). He is the one who said: we will not cease until we throw Muhammad from the uphill path tonight. If Muhammad and his companions are better than us, then we are the sheep and he is the shepherd, and he is intelligent while we are not.

He commanded him to call Majma' Bin Haaritha and Maleehaa At Taymee who stole the scent of the ka'ba and became an infidel before disappearing.

He commanded him to call Hisn Bin Numayr who stole charity, and the messenger of Allaah (may Allaah send salutations upon him) asked: (what motivated you to do this) ? He replied: I thought that Allaah would not inform you of this. Consequently, I declare that you are the messenger of Allaah. However, I did not believe in you at all before this moment. Thereafter, the messenger of Allaah (may Allaah send salutations upon him) forgave him.

He commanded him to call Ta'eema Bin Abyaraq and 'Abdullaah Bin 'Uyayna who said to his companions: remain awake tonight. By Allaah,

your main objective is to kill this man. Thereafter, he asked: (how could my death benefit you) ? !' Abdullaah replied: O messenger of Allaah, by Allaah, we will remain well as long as Allaah grants you victory. As a result, the messenger of Allaah (may Allaah send salutations upon him) let him go and said: (call Murra Bin Ar Rabee'). He is the one who said: we will kill an individual whose death will please the general public, so the messenger of Allaah (may Allaah send salutations upon him) asked: (what motivated you to say what you said) ? He replied: O messenger of Allaah, had I said anything to that effect, you would know. However, I did not. Thereafter, the prophet (may Allaah send salutations upon him) gathered twelve men who waged war against Allaah and his messenger, and he informed them of their statements with the aid of his lord. In fact, all twelve men died as hypocrites, and Allaah the magnificent has said: **{and they did not achieve their goal}** [At Tawba/74].

﴿وَهُمْ أَيْمَانُكَ يَنْتَوُونَ﴾ [التوبة: 74]

Aboo 'Aamir was their leader and they built masjid ad diraar for him. He was referred to as The Monk, though the messenger of Allaah (may Allaah send salutations upon him) referred to him as The Sinner.

Chapter

Ibn Ishaq was mistaken regarding various matters.

The prophet (may Allaah send salutations upon him) disclosed the names of the hypocrites to Hudhayfa only. As a result, when the companions questioned the faith of the deceased, 'Umar would say: see if Hudhayfa performs prayer for him, because if he does not, then he was a hypocrite.

As for 'Abdullaah Bin Ubayy, he could not have been included amongst the hypocrites, because Ibn Ishaq himself has mentioned that he did not participate in the battle of Tabook.

As for 'Abdullaah Bin Abee Sarh, it is not known that he accepted Islaam. Rather, it was his son 'Abdullaah who accepted Islaam and migrated. However, he became an infidel and fled to Makka, though 'Uthmaan sought the protection of the prophet (may Allaah send salutations upon him) for him during the year of the conquest, and it was granted. Thereafter, he accepted Islaam and became a good Muslim, and he was never with the twelve hypocrites.

As for Aboo 'Aamir, Ibn Ishaq himself has mentioned his story within the story of the migration, and 'Aasim Bin 'Umar Bin Qataada has narrated that Aboo 'Aamir traveled to Makka with more than ten men when the messenger of Allaah (may Allaah send salutations upon him) migrated to Al Madeena. Thereafter, the messenger of Allaah (may Allaah send salutations upon him) conquered Makka and Aboo 'Aamir relocated to At Taa'if, and

once the people of At Taa'if accepted Islaam, he relocated to Syria where he died alone and unknown.

Chapter

Masjid Ad Diraar

The messenger of Allaah (may Allaah send salutations upon him) departed Tabook settling at Dhoo Awaan which is located an hour away from Al Madeena. Previously, the people of masjid ad diraar came to him and said: O messenger of Allaah, we have built a masjid for those who are hindered and would like for you to pray therein. He said: (I will soon travel, though I will join you if possible). However, once he reached Dhoo Awaan, he received heavenly news concerning the masjid. Consequently, he called Maalik Bin Ad Dakhsham and Ma'n Bin 'Adee Al 'Ajlaanee and said: go to this masjid of the unjust and set it ablaze.

They quickly departed reaching Banoo Saalim Bin 'Awf which was the tribe of Maalik Bin Ad Dakhsham, and he said to Ma'n: wait for me. Thereafter, he lit the branch of a date palm tree, and then they set the masjid ablaze causing the people to flee. As a result, Allaah revealed the following verse: **{those who built a masjid of infidelity which divided the believers}** [At Tawba/107].

﴿وَالَّذِينَ اتَّخَذُوا مَسْجِدًا ضِرَارًا وَكُفْرًا وَتَفْرِيقًا بَيْنَ الْمُؤْمِنِينَ﴾ [التوبة: 107]

'Uthmaan Bin Sa'eed Ad Daarimee has said: 'Abdullaah Bin Saalih has informed me that Mu'aawiya Bin Saalih and 'Alee Bin Abee Talha have narrated that Ibn 'Abbaas has said regarding the following verse: **{those who built a masjid of infidelity which divided the believers}** [At Tawba/107].

﴿وَالَّذِينَ اتَّخَذُوا مَسْجِدًا ضِرَارًا وَكُفْرًا وَتَفْرِيقًا بَيْنَ الْمُؤْمِنِينَ﴾ [التوبة: 107]

These people were of the ansaar, and Aboo 'Aamir said to them: build your masjid and seek whatever defense you can, because I am going to meet Caesar. Thereafter, he arrived from Rome with an army and banished Muhammad and his companions. In any event, once the masjid was completed, they came to the prophet (may Allaah send salutations upon him) and said: we have completed the construction of our masjid and would like for you to pray therein and to supplicate for benediction. As a result, Allaah the magnificent revealed the following: **{never stand therein. Rather, you should stand within a masjid established upon reverence...}** [At Tawba/108].

﴿لَا تَقُمْ فِيهِ أَبَدًا لَّمَسْجِدٌ أُسِّسَ عَلَى التَّقْوَىٰ مِنْ أَوَّلِ يَوْمٍ أَحَقُّ أَنْ تَقُومَ فِيهِ﴾ [التوبة: 108]

Namely masjid qubaa. He said: **{and fell with it into hell}** [At Tawba/109].

﴿فَأَنهَارٍ بَدِءَ فِي نَارِ جَهَنَّمَ﴾ [التوبة: 109]

He said: {and what they built will continue to be a source of trepidation for them} {until their hearts become cleft asunder} , i. e. until they die.

﴿لَا يَزَالُ بُنِيتُهُمُ الَّذِي بَنَوْا رِيبَةً فِي قُلُوبِهِمْ إِلَّا أَنْ تَقَطَّعَ قُلُوبُهُمْ﴾ [التوبة: 110]

Chapter

The Return Of The Prophet (May Allaah Send Salutations Upon Him) To Al Madeena

When the messenger of Allaah (may Allaah send salutations upon him) reached Al Madeena, he was met by women and children who praised him. However, some narrators who were mistaken in this regard have said that he was received upon his return from Makka, though he actually came from the opposite direction. Once he saw Al Madeena, he said: (this is mount Uhud, we love it, and it loves us).

Chapter

The Prophet (May Allaah Send Salutations Upon Him) Enters Al Madeena Upon His Return From The Battle Of Tabook

Once the messenger of Allaah (may Allaah send salutations upon him) entered Al Madeena, he performed two bowings of prayer in the masjid. Thereafter, he remained seated as he was approached by those who did not participate in battle. More than eighty men apologized and pledged allegiance to him, and he sought forgiveness for them.

When Ka'b Bin Maalik came and greeted him, he smiled angrily and said: (come here). He said: I came and sat before him as he asked: (what held you back? Did you not buy a riding animal) ? He said: I certainly did. By Allaah, if I joined someone other than yourself, I would wish to apologize lest you become angry. By Allaah, I knew that he would make you angry with me if I lied to you. However, I hoped that he would pardon me if I told the truth. By Allaah, I had no excuse. By Allaah, I was at my strongest when I remained behind. As a result, the messenger of Allaah (may Allaah send salutations upon him) said: (as for him, he has told the truth. Stand until Allaah issues a ruling).

I was followed by men from the tribe of Banoo Salama who said: by Allaah, we believe that this was your first sin, thus it was sufficient that the messenger of Allaah (may Allaah send salutations upon him) seek forgiveness for you. He said: by Allaah, they scolded me until I considered lying, and then I asked: is there anyone similar? They replied: yes, there are

two men who said what you said and received the same of response. He asked: who are they? They replied: Maraara Bin Ar Rabee' Al 'Aamiree and Hilaal Bin Umayya Al Waaqifee, and they were two righteous men who participated in the battle of Badr.

The messenger of Allaah (may Allaah send salutations upon him) forbade that we be spoken to, so we stayed to ourselves for fifty nights. As for my two companions, they remained at home where they wept, though I was more perseverant. As a result, I would attend prayer and walk throughout the marketplace, even though no one would speak to me. In fact, I would greet the messenger of Allaah (may Allaah send salutations upon him) as he sat after prayer and would ask myself if he responded. Thereafter, I greeted my cousin Aboo Qataada who was most dear to me, though by Allaah, he did not respond. As a result, I asked: O Aboo Qataada, do you know that I love Allaah and his messenger? !However, he remained silent, so I repeated myself over and over until he replied: Allaah and his messenger know best, so I began to cry.

As I walked through the marketplace, a Nabatean vendor asked: who can help me find Ka'b Bin Maalik? Once he found me, he gave me a letter from the king of Ghassaan who requested my presence. Consequently, I said: this is another tribulation, so I burned the letter.

Once forty nights had passed, a messenger of the messenger of Allaah (may Allaah send salutations upon him) came to me and said: the messenger of Allaah commands you to avoid your wife, so I asked: should I divorce her? He replied: no, simply avoid her. He also sent my two companions the same message. Thereafter, I said to my wife: stay with your family until Allaah issues a ruling.

The wife of Hilaal Bin Umayya said: O messenger of Allaah, Hilaal Bin Umayya is elderly and has no one to care for him, so would you mind if I serve him? He replied: (no, though he must not approach you). She said: by Allaah, he is sedentary and continues to weep until this very day.

Ka'b said: some of my relatives said: you should seek the concession of the messenger of Allaah (may Allaah send salutations upon him) like the wife of Hilaal Bin Umayya, so I said: I will not seek his concession, and who knows what he would say since I am young? Thereafter, I remained an outcast for ten more nights.

Once fifty nights had passed, I performed the dawn prayer. As I sat thereafter, someone cried from the mountain: O Ka'b Bin Maalik, rejoice. As a result, I prostrated, because Allaah had granted reprieve, and the messenger of Allaah (may Allaah send salutations upon him) announced that Allaah had accepted our repentance, thus the people gave us glad tidings.

I entered the masjid as the messenger of Allaah (may Allaah send

salutations upon him) was surrounded by people, and Talha Bin 'Ubaydillaah hurried toward me and shook my hand while congratulating me. By Allaah, he was the only migrant who approached me. Thereafter, I greeted the messenger of Allaah (may Allaah send salutations upon him), and his face shined with joy as he said: (rejoice, for this is the best day of your life), and when he was pleased, his face would shine like the moon.

I sat before him and said: O messenger of Allaah, my repentance entails that I part with my wealth as a charity for the sake of Allaah and his messenger, so he said: (it is better that you withhold some of your wealth). I said: I have withheld the portion which I received at Khaybar. O messenger of Allaah, Allaah saved me due to my honesty, and my repentance entails that I speak the truth for the rest of my life. By Allaah, I do not know a believer whom Allaah has tried more severely than I in this regard, though I have not lied intentionally, and I hope that Allaah will continue to protect me. As a result, Allaah the most high revealed the following: **{Allaah accepted the repentance of the muhaajiroon and the ansaar}** [At Tawba/117].

﴿لَقَدْ تَابَ اللَّهُ عَلَى النَّبِيِّ وَالْمُهَاجِرِينَ وَالْأَنْصَارِ﴾ [التوبة: 117]

{O you who believe, revere Allaah and be with the truthful} [At Tawba/119].

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَكُونُوا مَعَ الصَّادِقِينَ﴾ [التوبة: 119]

By Allaah, had I lied to the messenger of Allaah (may Allaah send salutations upon him), I would be ruined like those who were dishonest. As a result, my truthfulness was the greatest blessing which I have ever received since I have accepted Islaam. As for those who lied, Allaah has said: **{although you may be pleased with them, Allaah is indeed displeased with those who are sinful}** [At Tawba/96].

﴿يَحِلُّونَ لَكُمْ لِيَرْضَوْا عَنْهُمْ فَإِنْ تَرْضَوْا عَنْهُمْ فَإِنَّ اللَّهَ لَا يَرْضَىٰ عَنِ الْقَوْمِ الْفَاسِقِينَ﴾ [التوبة: 96]

﴿الْقَوْمِ الْفَاسِقِينَ﴾ [التوبة: 96]

'Uthmaan Bin Sa'eed Ad Daarimee has said: 'Abdullaah Bin Saalih has informed me that Mu'aawiya Bin Saalih and 'Alee Bin Abee Talha have narrated that Ibn 'Abbaas has said concerning the following verse: **{and others confessed combining good and bad deeds}** [At Tawba/102].

﴿وَالْآخَرُونَ اعترفوا بذنوبهم خلطوا عملاً صالحاً وآخر سيئاً﴾ [التوبة: 102]

There were ten people who did not participate in the battle of Tabook, and when the messenger of Allaah (may Allaah send salutations upon him) arrived, seven of them tied themselves to the pillars of the masjid.

Consequently, he asked: (who are these people who have tied themselves to the pillars) ? Others replied: this is Aboo Lubaaba and his companions, and they did not participate in battle.

They tied themselves to the pillars so that the prophet (may Allaah send salutations upon him) would free them and accept their apology. However, he said: (I swear by Allaah that I will not free them or accept their apology until Allaah grants me permission to do so, because they did not participate in battle). Once they became aware of this, they said: we will not untie ourselves until Allaah grants us permission to do so. As a result, Allaah the magnificent revealed the following verse: **{and others confessed combining good and bad deeds, though Allaah may accept their repentance} {and Allaah is the merciful acceptor of repentance}** [At Tawba/102-104].

﴿وَأَخْرُونَ أَعْرَفُوا بِذُنُوبِهِمْ خَلَطُوا عَمَلًا صَالِحًا وَآخَرَ سَيِّئًا عَسَىٰ اللَّهُ أَن يَتُوبَ عَلَيْهِمْ إِنَّ اللَّهَ عَفُورٌ رَّحِيمٌ ﴿١٠٢﴾ خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا وَصَلِّ عَلَيْهِمْ إِنَّ صَلَاتَكَ سَكَنٌ لَهُمْ وَاللَّهُ سَمِيعٌ عَلِيمٌ ﴿١٠٣﴾ أَلَمْ يَعْلَمُوا أَنَّ اللَّهَ هُوَ يَقْبَلُ التَّوْبَةَ عَنْ عِبَادِهِ وَيَأْخُذُ الصَّدَقَاتِ وَأَنَّ اللَّهَ هُوَ التَّوَّابُ الرَّحِيمُ ﴿١٠٤﴾﴾ [التوبة: 102-104]

Thereafter, the prophet (may Allaah send salutations upon him) freed them and accepted their apology. As a result, they brought forth their wealth and said: O messenger of Allaah, this is our wealth, so give charity on our behalf and seek forgiveness for us. He said: (I have not been commanded to take your wealth). Consequently, Allaah revealed the following verse: **{take charity from their wealth so that they may be purified, and seek forgiveness for them}** [At Tawba/103].

﴿خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا وَصَلِّ عَلَيْهِمْ﴾ [التوبة: 103]

He said: **{your supplication brings them tranquility}**. Thereafter, he took charity from them and sought forgiveness for them. As for the three people who did not tie themselves to the pillars, they did not know whether their repentance would be accepted or if they would be punished, thus Allaah revealed the following verse: **{Allaah has accepted the repentance of the prophet, the muhaajiroon, and the ansaar}**

﴿لَقَدْ تَابَ اللَّهُ عَلَى النَّبِيِّ وَالْمُهَاجِرِينَ وَالْأَنْصَارِ﴾ [التوبة: 117]

...**{and the three who remained behind}**

﴿وَعَلَى الَّذِينَ خَلَفُوا﴾ [التوبة: 118]

...**{and Allaah is the merciful acceptor or repentance}**.

﴿إِنَّ اللَّهَ هُوَ التَّوَّابُ الرَّحِيمُ﴾ [التوبة: 118]

Chapter

The Legal Benefit Of This Battle

Combat is permissible during the sacred months, provided that he departed in Rajab as Ibn Ishaaq has said. However, an issue arises, namely that the people of the book did not honor the sacred months, and we have mentioned that two views exist regarding the prohibition of fighting during this period.

An imaam may disclose and conceal information for the sake of his people.

Once an imaam dispatches an army, one may only remain behind with his permission. This is one of three instances where jihaad becomes an individual obligation.

Jihaad must be waged monetarily and physically, and this view has been attributed to Ahmad. This is undoubtedly correct, because the injunction to wage jihaad monetarily accompanies the injunction to wage jihaad physically in the Qur'aan. In fact, the former has always preceded the latter except in one instance. This indicates that monetary jihaad has been stressed more than physical jihaad, and the prophet (may Allaah send salutations upon him) has said: (if one assists a soldier, he has participated in battle). Consequently, one who is capable of waging a monetary jihaad is obliged to do so just like one who is capable of waging a physical jihaad. In reality, victory can only be achieved if an army is sizeable and well armed. As a result, if one cannot join ranks, he must provide wealth. Similarly, one who is incapable of performing hajj physically must do so monetarily, hence a monetary jihaad is definitely binding in this regard.

'Uthmaan Bin 'Affaan made a great contribution during this battle, thus the prophet (may Allaah send salutations upon him) said: (Allaah has forgiven what you have done overtly and covertly). He then said: (what 'Uthmaan does from now on will not harm him) , and he contributed 1000 deenaar and 300 camels.

One who is incapable of waging a monetary jihaad is not excused until his inability is proven, and Allaah the glorified excused those who came to the prophet (may Allaah send salutations upon him) after he said: (I have no means of transporting you) , because they wept due to their inability to participate in battle.

An imaam who intends to travel may select a man to oversee those who will not participate in battle, because the prophet (may Allaah send salutations upon him) selected Ibn Umm Maktoom more than ten times for this purpose. As for the battle of Tabook, scholars of prophetic tradition maintain the 'Alee Bin Abee Taalib was chosen, and Sa'd Bin Abee Waqqaas has said: the messenger of Allaah (may Allaah send salutations upon him) selected 'Alee during the battle of Tabook, and he said: O

messenger of Allaah, you are placing me amongst women and children. As a result, he asked: (would you not like to be to me what Haaroon was to Moosa, even though no prophet will come after me) ? However, 'Alee was selected to oversee the family of the prophet (may Allaah send salutations upon him). Whereas, Muhammad Bin Muslima Al Ansaaree was entrusted with general supervision. This is suggested by the fact that the hypocrites said: he has gotten rid of him, and when he informed the prophet (may Allaah send salutations upon him) of this, he said: (they have lied. Rather, I have placed you in charge of what I have left behind).

A date palm tree may be assessed at the top, and an imaam may do so himself, because the messenger of Allaah (may Allaah send salutations upon him) assessed a garden.

The well water of Thamood may not be consumed, nor may it be used for cooking, baking, or purification. However, livestock may drink this water, provided it has not come from the well of the camel. This well remained until the time of the messenger of Allaah (may Allaah send salutations upon him) and is well known even today. In fact, it is distinct.

One who passes the land of a people whom wrath has befallen should avoid it. In fact, he should ride quickly while covering himself with his garment, and if he reaches this land, he should do so weeping. Similarly, the prophet (may Allaah send salutations upon him) rode quickly through the valley which lies between Mina and 'Arafa, because this is where Allaah destroyed the elephant and those who proceeded with it.

The prophet (may Allaah send salutations upon him) joined two prayers due to travel, and it has been narrated that he performed prayer in advance. However, this has only been narrated by Mu'aadh, and we have mentioned that this narration has been criticized, though a reliable narration states that he performed prayer in advance before entering 'Arafa. Namely, he joined the afternoon and late afternoon prayers. Aboo Haneefa has said that he did so due to the rite which awaited him. Ash Shaafi'ee and Ahmad have said that he did so due to the length of his journey, and others have said that he did so since he would be standing until sunset. Ahmad has said: one may join prayers if he is busy, and it has been mentioned that this view has been maintained past and present.

Tayammum may be performed using sand, because the prophet (may Allaah send salutations upon him) and his companions did not bring soil when they traveled from Al Madeena to Tabook. In fact, the prophet (may Allaah send salutations upon him) has said: (a man of my nation always has a means of purification and a place of prayer wherever he may be).

The prophet (may Allaah send salutations upon him) reduced his prayer while residing in Tabook for twenty nights, though he did not tell the nation that a man could not do so beyond that period of time.

There has been a great discrepancy in this regard past and present, and Ibn ‘Abbaas has said: the messenger of Allaah (may Allaah send salutations upon him) resided for nineteen nights reducing prayer during some of his journeys, thus we perform prayer completely when residing for a longer period of time. Narrated by Al Bukhaaree. Ahmad has said that Ibn ‘Abbaas was referring to the length of his stay during the conquest of Makka.

Others have said: rather, Ibn ‘Abbaas was referring to his stay at Tabook, because Jaabir Bin ‘Abdillaah has said: the prophet (may Allaah send salutations upon him) resided at Tabook for twenty nights reducing prayer. Narrated by Ahmad.

‘Abdur Rahmaan Bin Al Miswar Bin Mukhrima has said: we resided in some Syrian villages with Sa’d for forty nights where we performed our prayer completely while he reduced his prayer.

Naafi’ has said: Ibn ‘Umar resided in Azerbaijan for six months reducing prayer, and he could not advance due to the snow.

Hafs Bin ‘Ubaydillaah has said: Anas Bin Maalik resided in Syria for two years performing the prayer of a traveler.

Anas has said: the companions of the messenger of Allaah (may Allaah send salutations upon him) resided at Ramhormoz for seven months reducing prayer.

Al Hasan has said: I resided at Kabul for two years with ‘Abdur Rahmaan Bin Samura reducing prayer.

This was the guidance of the messenger of Allaah (may Allaah send salutations upon him) and his companions as you see. As for the opinions of others, Ahmad has said: if one intends to reside for four days, he must perform prayer completely. However, if he intends to reside for less than four days, he may reduce his prayer. As for the previous narrations, it was his interpretation that the messenger of Allaah (may Allaah send salutations upon him) and his companions were uncertain when they would depart. However, this is obviously questionable, because the messenger of Allaah (may Allaah send salutations upon him) conquered Makka where he layed the foundation of Islaam, and this definitely took time. Similarly, he awaited the enemy at Tabook, and he knew that they would not arrive within four days. As for Ibn ‘Umar who resided in Azerbaijan for six months reducing prayer, he knew that the snow would not melt within four days, and what has preceded applies to Anas who resided in Syria for two years and the companions who resided at Ramhormoz for seven months.

As for this battle, it is known that it could not have ended within four days, and the companions of Ahmad have said: if one engages in jihaad, he may reduce his prayer whether he believes that he will conclude within a short amount of time or a long amount of time, and this is correct. However, they have imposed a condition which is not supported by the book, the prophetic tradition, consensus, or the practice of the companions. Namely,

that one could possibly conclude in less than four days, though how could they stipulate this? When the prophet reduced prayer for more than four days at Makka and Tabook he did not indicate that he intended to reside for less than four days, although he knew that his practice was emulated. Nevertheless, he did not say: do not reduce your prayer beyond four nights, nor did the companions say this.

Maalik and Ash Shaafi'ee have said: if one intends to reside for more than four days, he must perform prayer completely. Otherwise, he may reduce his prayer.

Aboo Haneefa has said: if one intends to reside for fifteen days, he must perform prayer completely. However, he may reduce his prayer if he intends to reside for less than fifteen days. This view was also maintained by Al Layth Bin Sa'd and it has been attributed to 'Umar, Ibn 'Umar, and Ibn 'Abbaas.

'Alee Bin Abee Taalib has said: if one intends to reside for ten days, he must perform prayer completely.

Al Hasan has said: one may reduce his prayer until he reaches the city.

'Aa'isha has said: one may reduce his prayer until he puts down his provisions.

Aboo Haneefa, Maalik, and Ahmad agree that one may reduce his prayer indefinitely while awaiting the conclusion of an affair. However, Ash Shaafi'ee has said that one may reduce his prayer no longer than seventeen or eighteen days, though Ibn Al Mundhir has said: all scholars agree that one may reduce his prayer for years as long as he remains a traveler.

Chapter

It Is Desirable To Nullify An Oath When Another Oath Is Deemed More Beneficial

It is desirable to nullify an oath when another oath is deemed more beneficial. In this case an expiation is required, and it may precede or follow the nullification of an oath, because the prophet (may Allaah send salutations upon him) has said: (except if you have chosen what is better and have performed an expiation) (except if you have performed an expiation and have chosen what is better). Narrated by Al Bukhaaree.

'Abdur Rahman Bin Samura has narrated that the prophet (may Allaah send salutations upon him) has said: (if you have sworn and have found a better oath, perform an expiation and pursue what is best. Narrated by Al Bukhaaree and Muslim.

Consequently, Maalik, Ash Shaafi'ee, and Ahmad maintained that expiation can precede nullification. However, Ash Shaafi'ee maintained that an expiation of fasting must follow a nullified oath. Whereas, Aboo Haneefa forbade that expiation precede nullification under all circumstances.

Chapter

Is An Oath Valid If Taken While Angry?

An oath which is taken while angry is valid provided that one has not become so angry that he does not realize the import of his statement. Otherwise, an oath or divorce is invalid, and Ahmad has narrated that ‘Aa’isha has said: I have heard the messenger of Allaah (may Allaah send salutations upon him) say: (there is no emancipation or divorce when angry).

Chapter

The Meaning Of His Statement: (It Was Not I But Allaah Who Transported You)

He has said: (it was not I but Allaah who transported you). Similarly, he has said: (by Allaah, I do not give or withhold anything. Rather, I am a distributor who gives as instructed). He was the slave and messenger of Allaah who followed orders, and it was Allaah who gave and withheld. As for the following verse: **{it was not you but Allaah who threw}** [Al Anfaal/17].

﴿وَمَا رَمَيْتَ إِذْ رَمَيْتَ وَلَكِنَّ اللَّهَ رَمَى﴾ [الأنفال: 17]

It refers to the handful of pebbles which he threw in the eyes of the polytheists. As a result, Allaah has affirmed that he cast the pebbles, though he denied that it was he who struck the polytheists, because this action was beyond the capacity of a slave.

Chapter

The Patience Of The Prophet (May Allaah Send Salutations Upon Him) Toward The Hypocrites And Similar Individuals

He did not kill the hypocrites, although he was informed of their blatant infidelity, and this has caused some to maintain that a heretic should not be killed once he has repented. Similarly, the hypocrites swore that they did not say what they were quoted as saying, and our companions and others maintain that the declaration of faith is a sufficient defense for one accused of apostasy. Whereas, some scholars maintain that a denial of apostasy is a sufficient defense. Conversely, those who do not accept the repentance of a heretic assert that only one witness testified against the hypocrites as Zayd Bin Arqam testified against ‘Abdullaah Bin Ubayy.

This response is questionable, because the statements of ‘Abdullaah Bin ‘Ubayy were well known to the messenger of Allaah (may Allaah send salutations upon him) and his companions. In fact, ‘Abdullaah Bin Ubayy

confirmed some of his remarks, and he said: we were just kidding. However, when someone asked the prophet (may Allaah send salutations upon him) : will you not kill them? He did not reply: evidence has not been provided, but rather he replied: (I do not want for people to say Muhammad kills his companions).

Consequently, it should be said that the lives of the hypocrites were spared so that people would not be deterred from the messenger of Allaah (may Allaah send salutations upon him). Similarly, he did not kill those who accused him of nepotism due to his judgement between Az Zubayr and his adversary.

Someone said to him: this division is not intended for Allaah, and another person said to him: you have not been fair. However, retaliation was a right which he could waive or enjoy. Whereas, a believer has no choice but to retaliate in this regard.

Chapter

How A Breach Of Agreement Should Be Dealt With

When those who have agreed to a peace treaty and those who enjoy immunity act in contrast to the dictates of an accord, it is nullified. As a result, the imaam may execute them and confiscate their wealth. However, if he is incapable of doing so, then their lives and wealth are free for the taking as the prophet (may Allaah send salutations upon him) said about the people of Ayla, namely: (if any of them breach their agreement, their lives and wealth will be free for the taking). Consequently, one who breaches an agreement becomes an antagonist and is treated as such.

Chapter

It Is Permissible To Bury At Night

It is permissible to bury at night since the prophet (may Allaah send salutations upon him) did so, and when Ahmad was questioned about this practice, he replied: it is not objectionable.

It has been narrated in Al Bukhaaree that the messenger of Allaah (may Allaah send salutations upon him) asked: (who is this) ? Others replied: so and so, he was buried last night. Consequently, he performed prayer for him.

One may ask: how do you respond to the narration of Muslim which states that the prophet (may Allaah send salutations upon him) delivered a sermon where he forbade that a man be buried at night before the funeral prayer unless there is no alternative?

We respond by saying that we accept both narrations, hence we prohibit nighttime burial unless it is unavoidable or more beneficial. For example, if one of a group of travelers dies, he may be buried at night if it would be

detrimental for them to wait until the following day. A burial may also be performed at night if it is feared that the corpse may combust, and with Allaah lies success.

Chapter

Is A Muslim Rewarded For His Intentions?

He said: (there are people in Al Madeena who are with you wherever you go). However, it was their hearts which were with them, though there are ignorant people who believe that they accompanied them physically, even though the prophet (may Allaah send salutations upon him) said: (they are in Al Madeena and are excused). In reality, they waged jihaad with their hearts, and jihaad has four levels:

1. physical jihaad
2. monetary jihaad
3. verbal jihaad
4. spiritual jihaad

The prophet (may Allaah send salutations upon him) has said: (wage jihaad against the polytheists with your hearts, tongues, and wealth).

Chapter

The Destruction Of Places Where Allaah And His Messenger Are Disobeyed

Places where Allaah and his messenger are disobeyed may be destroyed, because the prophet (may Allaah send salutations upon him) ordered that masjid ad diraar be demolished since it housed hypocrites and created dissension. As a result, an imaam must change a place of this nature or destroy it, and polytheistic monuments deserve to be destroyed even moreso. As for places of iniquity, 'Umar Bin Al Khattaab set ablaze an entire village where intoxicants were sold. In fact, the messenger of Allaah (may Allaah send salutations upon him) considered setting ablaze the homes of those who did not perform congregational prayer, though he refrained from doing since women and children exempt in this regard.

An endowment which does not entail righteousness is invalid, hence this masjid could be donated. Based upon this, a masjid which has been built upon a grave must be destroyed. Similarly, one who has been buried in a masjid must be exhumed as Ahmad and others have stated. As a result, a grave and a masjid cannot become one in Islaam, and prayer is invalid in a masjid which contains a grave, because the messenger of Allaah (may Allaah send salutations upon him) has cursed those whose mosques are graves.

Chapter

The story of the three men who did not participate in battle is quite

beneficial, thus we will focus on some of the wisdom which is found therein.

A man may disclose his lack of obedience toward Allaah and his messenger as well as the cause of his deficiency, because this serves as a warning.

One may praise himself due to his good qualities, provided that he does not become arrogant.

The pledge of 'Aqaba was one of the greatest events which the companions had ever witnessed. In fact, Ka'b considered it greater than the battle of Badr.

When an imaam feels that it is more advantageous to conceal his battle plan, he is advised to do so.

An imaam may not conceal information if his people may suffer as a result.

The army of the prophet (may Allaah send salutations upon him) did not have an anthem. Rather, it was 'Umar Bin Al Khattaab who composed the anthem, and the prophet (may Allaah send salutations upon him) has ordered us to follow him. In fact, this anthem proved to be beneficial.

A man must seize the opportunity to become closer to Allaah, because he punishes those who neglect to do so, and the most high has said: **{O you who believe, respond to Allaah and the messenger when they call you to that which grants you life, and be aware that Allaah lies between a man and his heart}** [Al Anfaal/24].

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا اسْتَجِيبُوا لِلَّهِ وَلِلرَّسُولِ إِذَا دَعَاكُمْ لِمَا يُحْيِيكُمْ وَاعْلَمُوا أَنَّ اللَّهَ يَحُولُ بَيْنَ

الْمَرْءِ وَقَلْبِهِ﴾ [الأنفال: 24]

In fact, he has said this explicitly in the following verse: **{once they deviated, he deprived them of guidance}** [As Saff/5].

﴿فَلَمَّا زَاغُوا أَزَاغَ اللَّهُ قُلُوبَهُمْ﴾ [الصف: 5]

Only three types of men were not with the messenger of Allaah (may Allaah send salutations upon him) during war: a man submerged in hypocrisy, a man with an excuse, and a man whom the messenger of Allaah (may Allaah send salutations upon him) placed in command of Al Madeena or entrusted with a task.

One may criticize a man based upon his findings for the sake of Allaah and his messenger. Similarly, scholars of prophetic tradition criticize narrators and the inheritors of the prophets criticize innovators.

One may challenge criticism which he considers unjust, because Mu'aadh challenged the one who criticized Ka'b. He said: you have said something terrible. By Allaah, O messenger of Allaah, we know nothing but good about him. However, the messenger of Allaah (may Allaah send

salutations upon him) did not reprimand either one of them.

A traveler should return to his locale in a state of purity, then he should perform two bowings of prayer in the masjid and should sit to exchange greetings. Thereafter, he may return to his family.

The messenger of Allaah (may Allaah send salutations upon him) judged hypocrites as they appeared to be, thus he did not seek the unapparent.

An imaam may not respond to a greeting as an admonishment, because it has not been narrated that the prophet (may Allaah send salutations upon him) did so when approached by Ka'b.

Leaders and other authority figures may reprimand their companions, because he reprimanded the three men who did not participate in battle. In fact, his censure was of tremendous benefit, thus it was cherished.

Allaah guided Ka'b and his companions, hence they told the truth. However, they would have ultimately suffered had they lied, because what is sweet in the beginning is bitter in the end and vice versa.

Ka'b asked if anyone else had shared his experience at which point Maraara Bin Ar Rabee' and Hilaal Bin Umayya were mentioned. This indicates that a man should find solace in the affliction of others who resemble him, and Allaah the glorified and most high has said: **{do not become weak while seeking the enemy. If you feel pain, so do they, though you ask of Allaah what they do not}** [An Nisaa/104].

﴿وَلَا تَهِنُوا فِي ابْتِغَاءِ الْقَوْمِ إِنْ تَكُونُوا تَأْلَمُونَ فَإِنَّهُمْ يَأْلَمُونَ كَمَا تَأْلَمُونَ وَرَرْجُونَ مِنَ اللَّهِ مَا لَا

يَرْجُونَ﴾ [النساء: 104]

As for the following narration: thus they mentioned two righteous men who participated in the battle of Badr, it is considered one of the errors of Az Zuhree, because it has not been relayed by historians at all. In addition, the prophet (may Allaah send salutations upon him) did not shun or punish Haatib, even though he spied upon him. In fact, he said the following when 'Umar considered killing him: (do as you please for I have pardoned you), though spying is a greater sin than avoiding jihaad.

Chapter

Aboo Al Farj Bin Al Jawzee has said: I continue to do research, thus I have found that Aboo Bakr Al Athram has mentioned that Az Zuhree was accurate. However, he is mistaken in this regard, because he is the only one who has said that Maraara Bin Ar Rabee' and Hilaal Bin Umayya participated in the battle of Badr, and no one is infallible.

Chapter

Allaah The Most High Punishes Slaves On Earth As A Mercy

The prophet (may Allaah send salutations upon him) forbade that the

three aforementioned individuals be spoken to which proves that they were truthful unlike their counterparts. In reality, he shunned them in order to reform them. Whereas, the crime of the hypocrites warranted a more severe punishment. As a result, their illness required a different medicine.

The glorified lord reprimands his beloved slaves due to the slightest mistake. Conversely, he ignores the sins of those who are insignificant to him. In fact, he blesses them as they sin, though one who is deluded does not realize that this is a punishment, and a well known prophetic tradition states: (when Allaah wishes a slave well, he punishes him on earth. Otherwise, he defers his punishment until the day of resurrection).

This story proves that scholars, leaders, and other authority figures may shun those who are blameworthy. In reality, this type of treatment is a medicine, though it should not be administered so sparingly that it becomes ineffective, nor should it be administered so profusely that it becomes lethal. Rather, the objective is reformation and not execution.

Chapter

Interaction With Innovators

Hilaal Bin Umayya and Maraara Bin Ar Rabee' performed prayer at home which proves that one who has been shunned is excused from congregational prayer. It could also be said that this is the height of rejection, though it should be mentioned that Ka'b attended congregational prayer and that the prophet (may Allaah send salutations upon him) did not criticize Hilaal and Maraara for not doing so. Based upon this, it could be said that since the believers were commanded to shun them, they were not prevented from attending congregational prayer nor were they commanded to do so. It could also be said that Hilaal and Maraara became unable to attend congregational prayer, because Ka'b said: I was the most tenacious, thus I joined the believers in prayer.

He said: I would greet the messenger of Allaah (may Allaah send salutations upon him) as he sat after prayer, and I would ask myself if he responded. This proves that one is not obliged to respond to a person who deserves to be shunned. Otherwise, Ka'b would have heard the prophet (may Allaah send salutations upon him).

He said: I climbed the wall of a garden belonging to Aboo Qataada. This proves that one may approach the home of his neighbor or companion without seeking his permission if he knows that he will not object.

Aboo Qataada said to him: Allaah and his messenger know best. However, this statement was not an address. Consequently, if one speaks similarly to a person whom he has sworn to shun, he is not obliged to nullify his oath, especially if he did not intend to speak to him which seems to have been the case regarding Aboo Qataada.

When the Nabataen sought the whereabouts of Ka'b Bin Maalik, the people pointed. However, had they said: there is Ka'b Bin Maalik, they would not have opposed the order of the prophet (may Allaah send salutations upon him), though their strict adherence prevented them from doing so.

The king of Ghassaan requested his presence which was a divine test, and it proved to the companions that his faith had not weakened, even though the prophet (may Allaah send salutations upon him) and the believers had shunned him. This test also proved that he was not like the hypocrites who were shunned and left the religion since their objective was the attainment of power and status. In reality, a trial of this nature reveals the essence of man, hence it resembles a bellows which removes what is bad from what it is good.

He said that he burned the letter which he received from king Ghassaan. This proves that one should hasten to destroy what he feels will harm him. Similarly, one should dispose of fermented liquids without delay.

Chapter

The Messenger Of Allaah (May Allaah Send Salutations Uponn Him)

Invites Al Haarith The King Of Ghassaan To Islaam

The messenger of Allaah (may Allaah send salutations upon him) sent Shujaa' Bin Wahb Al Asadee to Al Haarith Bin Abee Shamr Al Ghassaanee to invite him to Islaam, and he sent him with a letter. Shujaa' has said: I awaited him for two or three days at his gate where I said to his gatekeeper: I am the messenger of the messenger of Allaah (may Allaah send salutations upon him). Thereafter, he began asking me about him and I explained his message to him until he wept. He said: I have found him described exactly as such in the Injeel, thus I believe in him. As a result, I fear that Al Haarith will kill me.

One day Al Haarith sat and placed his crown upon his head and allowed me to advance, so I gave him the letter of the messenger of Allaah (may Allaah send salutations upon him). Once he finished reading it, he threw it and asked: who will take my kingdom from me? He then said: I will find him even if he is in Yemen.

He wrote to Caesar informing him of what transpired, though once he received a response, he called me and asked: when do you intend to return to your companion? I replied: tomorrow, so he gave me 100 mithqaal of gold, and his gatekeeper gave me money and fabric and said: give the messenger of Allaah (may Allaah send salutations upon him) my greetings. Thereafter, I returned to the messenger of Allaah (may Allaah send

salutations upon him) and informed him of what transpired, so he said: (may his kingdom be ruined). I then gave him the greetings of the gatekeeper and told him what he said, thus he affirmed his remarks. As for Al Haarith Bin Abee Shamr Al Ghassaanee, he died during the year of the conquest, and it was he who invited Ka'b to join him. However, he refused lest he forsake the messenger of Allaah (may Allaah send salutations upon him) and his religion.

Chapter

Those Who Were Commanded To Avoid Their Wives

The messenger of Allaah (may Allaah send salutations upon him) ordered the three aforementioned individuals to avoid their wives once forty nights had passed, and this was a prelude to a reprieve.

Two incidents reveal this:

1. He communicated with them after shunning them.
2. His command indicated that they should worship dilligently.

This story suggests that women should be avoided during a period of worship just as they should be avoided during a period of ihraam, i'tikaaf, and fasting. In reality, the prophet (may Allaah send salutations upon him) wanted the end of their isolation period to resemble the days of ihraam and fasting, though he did not enjoin this initially lest they become weak. Similarly, a pilgrim is obliged to avoid his wife once he has entered ihraam and not once he has embarked upon hajj.

Chapter

A Man Who Tells His Wife To Join Her Family

Ka'b said to his wife: join your family. This proves that statements of this nature do not lead to divorce if one has not intended divorce. This also applies to emancipation.

Chapter

The Prostration Of Gratitude

Ka'b prostrated when receiving glad tidings. This clearly proves that the companions would prostrate as an act of gratitude. Aboo Bakr prostrated when he was informed that Musaylima The Liar was killed. 'Alee Bin Abee Taalib prostrated when he found the body of Dhoo Ath Thadya amongst the Khawaarij, and the messenger of Allaah (may Allaah send salutations upon him) prostrated when Jibreel informed him that if someone sent salutations upon him once, Allaah would send salutations upon that person ten times. He also did so when Allaah allowed him to intercede three times on behalf of his nation and when he was informed that his army was victorious.

Aboo Bakra has said: the messenger of Allaah (may Allaah send

salutations upon him) would prostrate when pleased.

Ka'b removed his garments and gave them to the one who informed him of the good news. This proves that it is an act of good character to give to a bearer of glad tidings. Similarly, Al 'Abbaas emancipated a slave who informed him that Al Hajjaah Bin 'Allaat had good news to share concerning the messenger of Allaah (may Allaah send salutations upon him).

This proves that is desireable to congratulate one who has been blessed, and it is most preferable to say: may you benefit from what Allaah has granted you.

This proves that the greatest day which a slave may see is the day in which he repents, because the prophet (may Allaah send salutations upon him) said: (rejoice, because this is the greatest day of your life).

One may ask: how could this day be greater than the day in which he accepted Islaam?

His happiness began on the day in which he accepted Islaam, and the culmination of this joy was on the day in which he repented, and it is Allaah whose aid is sought.

The messenger of Allaah (may Allaah send salutations upon him) was delighted by his repentance. This proves that Allaah made him compassionate. In fact, he was most likely happier than Ka'b and his two companions.

Chapter

The Amount of Charity Which Was Given

Ka'b said: O messenger of Allaah, my repentance entails that I part with my wealth. This proves that is desireable to be as charitable as possible when repenting.

The messenger of Allaah (may Allaah send salutations upon him) said: (it is better for you to withhold a portion of your wealth). This proves that one is not obliged to give his entire wealth in charity, even if he has vowed to do so.

It has been narrated in Al Bukhaaree and Muslim that the prophet (may Allaah send salutations upon him) said to Ka'b: (withhold some of your wealth) without specifying an amount. Rather, he allowed him to decide, because he could only give what was surplus. In light of this, the needs of a man and his family precede other monetary obligations such as expiation, pilgrimage, and the payment of debts. As a result, we allow one who is bankrupt to retain what is essential for his survival while allowing his creditors to take what remains.

Ahmad has stated that one who has vowed to give his entire wealth in charity may give 1/3 of it, and his companions have relied upon the

following narration: O messenger of Allaah, my repentance entails that I give my entire wealth in charity for the sake of Allaah and his messenger. He said: (do not do so). He asked: may I give $\frac{1}{2}$ of my wealth? He replied: (no). He asked: may I give $\frac{1}{3}$ of my wealth? He replied: (yes). He said: then I will retain the portion which I received at Khaybar. Narrated by Aboo Daawud.

Nevertheless, the accurate account of this story has been narrated via Az Zuhree and the sons of Ka'b Bin Maalik as appears in Al Bukhaaree and Muslim. It states that Ka'b Bin Maalik was ordered to withhold a portion of his wealth, but it does not state how much, though the sons of Ka'b Bin Maalik were the most familiar with this story since they heard him narrate it.

One may ask: how do you respond to the narration of Ahmad which states that the messenger of Allaah (may Allaah send salutations upon him) allowed Aboo Lubaaba Bin 'Abdil Mundhir to retain $\frac{1}{3}$ of his wealth?

Ahmad relied upon this narration and not the narration of Ka'b Bin Maalik, because his son 'Abdullaah has narrated that he has said: if one vows to give some or all of his wealth in charity and has a debt which he cannot pay, I hold that he may give $\frac{1}{3}$ of his wealth, because the prophet (may Allaah send salutations upon him) commanded Aboo Lubaaba to do so.

Ahmad has said: if one vows to give some or all of his wealth in charity and has a debt which he cannot pay, I hold that he may give $\frac{1}{3}$ of his wealth. This proves that a vow remains valid in this case and that $\frac{1}{3}$ of this wealth is allotted on the day when the vow is made.

He has said: if one vows to give some of his wealth, he may give $\frac{1}{3}$ like one who has vowed to give all of his wealth. In actuality, he maintained that one must give the entire amount which he has designated, though it has been narrated that he ruled as such concerning one who has designated no more than $\frac{1}{3}$ of his wealth, and Aboo Al Barakaat has chosen this narration.

It has not been indicated that Ka'b Bin Maalik and Aboo Lubaaba made an oath. Rather, they said: our repentance entails that we part with our wealth. This suggests that they intended to thank Allaah for accepting their repentance by giving charity, because the prophet (may Allaah send salutations upon him) informed them that they were not obliged to give their entire wealth. Similarly, when Sa'd sought permission to leave his entire wealth as a bequest, he allowed him to leave a third of it.

One may say that this is debateable for two reasons:

1. He informed them that $\frac{1}{3}$ of their wealth would be sufficient, and this statement indicates that they were obliged to give.
2. He forbade that they give more than $\frac{1}{3}$ of their wealth in charity. This proves that they did not act voluntarily.

However, the prophet (may Allaah send salutations upon him) said the following to Aboo Burda concerning his sacrifice: (it will suffice you and no one else) , and a statement like this can be made regarding an act which is obligatory as well as desirable.

When he forbade Ka'b to give more than a third of his wealth in charity, he did so out of kindness, because had he allowed him to give all of his wealth in charity, he would not be able to endure the poverty which would ensue. Similarly, he refused to accept the charity of a man whom he feared would lose patience in the face of adversity. There is another view which is quite likely, namely that the prophet (may Allaah send salutations upon him) judged those who wished to give charity according to their circumstances. Consequently, he allowed Aboo Bakr As Siddeeq to give his entire wealth in charity, and when he asked: (what have you left for your family) ? He replied: I have left them Allaah and his messenger, though he did not criticize him. He allowed 'Umar Bin Al Khattaab to give ½ of his wealth in charity, though he said to Ka'b Bin Maalik: (withhold some of your wealth).

Rabee'a Bin Abee 'Abdir Rahmaan has said: one must give the amount of wealth which has been designated for obligatory charity.

Aboo Haneefa has said: one must give wealth upon which payment is due. As for wealth upon which payment is not due, it has been narrated that it is also given. However, another narration states that payment is waived in this case.

Ash Shaafi'ee has said: one must give his entire wealth.

Maalik, Ahmad, and Az Zuhree have said: one must give one third of his wealth.

Some have said that only an expiation is required.

Chapter

Truthfulness

This story displays the magnitude of truthfulness and reveals that one cannot be happy in this life or the next unless he is honest. In reality, Allaah has only granted salvation due to honesty, and he has only caused destruction due to dishonesty.

Allaah has commanded the believers to be with the truthful, and he has said: **{O you who believe, revere Allaah and be with the truthful}** [At Tawba/119].

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَكُونُوا مَعَ الصَّادِقِينَ﴾ [التوبة: 119]

Allaah has divided man into two categories: joyous and miserable. As a result, he has made the former honest and the latter dishonest.

The glorious and most high has informed us that slaves will only benefit

from honesty on the day of resurrection, and he has made dishonesty symbolic of hypocrisy. Consequently, truthfulness is a sign of faith. In fact, it is the essence of faith, thus dishonesty is to faith what polytheism is to monotheism. For this reason, faith and dishonesty cannot co-exist. As for the three aforementioned individuals, Allaah granted them salvation due to their honesty while ruining those who had lied. As a result, truthfulness is the greatest blessing which a slave could receive after being guided to Islaam, and truthfulness is the life force of Islaam. Conversely, there is no tribulation more severe than dishonesty, and dishonesty debilitates Islaam.

The most high has said: **{Allaah has accepted the repentance of the prophet, the muhaajiroon, and the ansaar who followed him during the hour of adversity. Some of their hearts were upon the brink of deviation, but then he accepted their repentance, and he was kind and compassionate toward them}** [At Tawba/117].

﴿لَقَدْ تَابَ اللَّهُ عَلَى النَّبِيِّ وَالْمُهَاجِرِينَ وَالْأَنْصَارِ الَّذِينَ اتَّبَعُوهُ فِي سَاعَةِ الْعُسْرَةِ مِنْ بَعْدِ مَا

كَادَ يَزِيغُ قُلُوبُ فَرِيقٍ مِّنْهُمْ لَقَدْ تَابَ عَلَيْهِمْ إِنَّهُ بِهِمْ رَءُوفٌ رَّحِيمٌ ﴿١١٧﴾﴾ [التوبة: 117]

This verse displays the magnitude of repentance, and through repentance a believer becomes complete. In fact, this completeness was granted after the final battle once the believers had sacrificed their lives and wealth for the sake of Allaah. As a result, the prophet (may Allaah send salutations upon him) declared the day in which Ka'b repented the best day of his life. However, one must know Allaah and his obligation to him in order to comprehend this.

Chapter

Consider how the glorified stated at the beginning as well as the end of the verse that he accepted their repentance, because he guided them to repent and then he accepted their repentance thereafter.

Allaah guided them to repent and then he accepted their repentance, thus he is the source of all good, and he is good to whom he pleases, though he also withholds this goodness in his wisdom.

Chapter

Aboo Bakr As Siddeeq Performs Pilgrimage Upon His Return From At Tabook

Ibn Ishaq has said: the messenger of Allaah (may Allaah send salutations upon him) placed Aboo Bakr in charge of pilgrimage during the ninth year.

Ibn Sa'd has said: he left Al Madeena with 300 men, and the messenger of Allaah (may Allaah send salutations upon him) sent twenty camels which he identified himself, and Aboo Bakr led five of them.

Ibn Ishaq has said: Baraa'a was revealed in which it was stated that there was no longer an accord between the messenger of Allaah (may Allaah send salutations upon him) and the polytheists, and 'Alee Bin Abee Taalib proceeded upon his camel.

Ibn Sa'd has said: when Aboo Bakr saw 'Alee Bin Abee Taalib upon the camel of the messenger of Allaah (may Allaah send salutations upon him), he asked: have you been placed in command or have you received a command? He replied: I have received a command, and then they dispersed.

Ibn Sa'd has said: Aboo Bakr asked him: has the messenger of Allaah (may Allaah send salutations upon him) placed you in command of pilgrimage? He replied: no, rather he has sent me to recite Baraa'a and to breach his agreement. As a result, he announced the following on the day of sacrifice: O people, no disbeliever will enter paradise, no polytheist will perform pilgrimage after this year, none will perform tawaaf naked, and contracts will not be renewed.

Al Humaydee has said: Sufyaan has said: Aboo Ishaq Al Hamdaanee has informed me that Zayd Bin Yathee' has said: we asked 'Alee: what were you sent to do? He replied: I was sent to say four things: only a believing soul will enter paradise, none will perform tawaaf naked, a believer and disbeliever will not meet in the sacred masjid after this year, and contracts will not be renewed. As for he who is without contract, his respite is four months.

It has been narrated that Aboo Hurayra has said: Aboo Bakr sent me and others to Mina on the day of sacrifice, and they announced the following: no polytheist will perform pilgrimage after this year and none will perform tawaaf naked. Thereafter, the prophet (may Allaah send salutations upon him) made Aboo Bakr As Siddeeq the riding partner of 'Alee Bin Abee Taalib whom he ordered to recite Baraa'a. As a result, he recited Baraa'a, and he announced that no polytheist would perform pilgrimage after this year and that none would perform tawaaf naked. Narrated by Al Bukhaaree and Muslim.

This story proves that the greatest day of pilgrimage is the day of sacrifice. As for the pilgrimage of Aboo Bakr which fulfilled his obligation, some say that it was this pilgrimage while others say that it was the farewell pilgrimage which he performed with the prophet (may Allaah send salutations upon him), and the latter opinion is most accurate.

Two questions arise in this regard:

1. Was pilgrimage obligatory before the year of the farewell pilgrimage?
 2. Did Aboo Bakr perform pilgrimage in Dhool Hijja or Dhool Qa'da?
- Mujaahid and others have said that he did so during Dhool Qa'da, and the prophet (may Allaah send salutations upon him) never delayed pilgrimage once it became obligatory.

Chapter

The Delegates Who Came To The Prophet (May Allaah Send Salutations Upon Him)

The delegation of Thaqeef came to the prophet (may Allaah send salutations upon him) , and Moosa Bin 'Uqba has said: Aboo Bakr established the pilgrimage, and 'Urwa Bin Mas'ood Ath Thaqafee came to the messenger of Allaah (may Allaah send salutations upon him) seeking permission to return to his people. Thereafter, the delegation of Thaqeef arrived which included Kinaana Bin 'Abdi Yaaaleel who was their leader at the time and 'Uthmaan Bin Abee Al 'Aas who was the youngest of them.

Al Mugheera Bin Shu'ba said: O messenger of Allaah, allow me to host my people. As a result, he said: (I will not forbid you from hosting your people, though allow them to hear the Qur'aan). The tribe of Thaqeef granted Al Mugheera Bin Shu'ba asylum. However, he killed some members of the tribe as they slept and brought their wealth to the messenger of Allaah (may Allaah send salutations upon him). Consequently, he said: (we will accept your Islaam, though we will not accept your wealth).

The messenger of Allaah (may Allaah send salutations upon him) raised tents in the masjid for the delegation of Thaqeef so that they could hear the Qur'aan and observe prayer, and he would not mention himself during his sermons. As a result, the delegation of Thaqeef said: he has commanded us to declare that he is the messenger of Allaah, though he does not do so during his sermons. Once he was informed of their statement, he said: (I was the first to declare that I am the messenger of Allaah).

They would come to the messenger of Allaah (may Allaah send salutations upon him) every morning and would send 'Uthmaan Bin Abee Al 'Aas to watch their riding animals since he was the youngest of them. Once they would return to him at midday, he would ask the messenger of Allaah (may Allaah send salutations upon him) about Islaam and would ask to hear the Qur'aan. As a result, he acquired religious knowledge, and when he would find the messenger of Allaah (may Allaah send salutations upon him) asleep, he would go to Aboo Bakr. However, he told no one, and this pleased the messenger of Allaah (may Allaah send salutations upon him).

Once the delegation of Thaqeef accepted Islaam, Kinaana Bin 'Abdi Yaaaleel asked the messenger of Allaah (may Allaah send salutations upon him) if they could fornicate, and he replied: (fornication is unlawful for you) , because Allaah the magnificent has said: **{do not approach fornication, because it is an abomination}** [Al Israa/32].

﴿وَلَا تَقْرَبُوا الزِّنَىٰ إِنَّهُ كَانَ فَحِشَةً وَسَاءَ سَبِيلًا﴾ [الإسراء: 32]

He asked if they could engage in usury based transactions, and he

replied: (you are entitled to your capital) , because Allaah has said: **{O who you believe, revere Allaah and avoid what exceeds your capital if you are believers}** [Al Baqara/278].

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ وَذَرُوا مَا بَقِيَ مِنَ الرِّبَا إِن كُنْتُمْ مُؤْمِنِينَ﴾ [البقرة: 278]

He asked: may we consume intoxicants? He replied: (Allaah has made them unlawful) , and he has said: **{O you who believe, intoxicants, gambling, the glorification of stones, and divination with arrows is the work of Shaytaan, so avoid it and you may succeed}** [Al Maa'ida/90].

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ

﴿فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ﴾ [المائدة: 90]

The delegation of Thaqeef said: O messenger of Allaah, order someone to be our imaam, so he ordered 'Uthmaan Bin Abee Al 'Aas to be their imaam since he was devout and had learned some of the Qur'aan. Thereafter, Kinaana Bin 'Abdi Yaaleel said: I am most familiar with the tribe of Thaqeef, so tell them that war is imminent, and inform them that Muhammad has asked us against our will to destroy al laat and al 'uzza and to avoid intoxicants, fornication, and usury.

The tribe of Thaqeef intended to fight, though Allaah placed fear in their hearts. As a result, they compromised. Once the delegation of Thaqeef realized that the tribe of Thaqeef chose peace, they told them that they had come to an amicable agreement with the prophet (may Allaah send salutations upon him) and that he was the kindest and most reverent person whom they had ever seen. Consequently, the tribe of Thaqeef asked them why they did not mention this earlier, and they responded by saying that they wanted Allaah to remove the arrogance of Shaytaan from their hearts.

The messengers of the messenger of Allaah (may Allaah send salutations upon him) arrived and were lead by Khaalid Bin Al Waleed and joined by Al Mugheera Bin Shu'ba. Thereafter, they began to demolish al laat until it was level.

The delegation came to the messenger of Allaah (may Allaah send salutations upon him) with spoils which he divided, and he praised Allaah who made him victorious.

Ibn Ishaq has claimed that the prophet (may Allaah send salutations upon him) returned from Tabook and received the delegation of Thaqeef in Ramadaan.

Jaabir has said: the delegation of Thaqeef stipulated that they would not give charity of wage jihaad, thus the prophet (may Allaah send salutations upon him) said: (they will give charity and wage jihaad once they accept Islaam). Narrated by Aboo Daawud.

Mu'tamir Bin Sulaymaan has said in Al Maghaazee: I have heard 'Abdur Rahmaan At Taa'ifee narrate via 'Uthmaan Bin 'Abdillaah and his uncle 'Amr Bin Aws that 'Uthmaan Bin Abee Al 'Aas said: the messenger of Allaah (may Allaah send salutations upon him) made me an imaam, even though I was the youngest of the six man delegation of Thaqeef, though he did so because I had memorized Al Baqara. Thereafter, I said: O messenger of Allaah, the Qur'aan escapes me, so he placed his hand on my chest and said: (O demon, come out of the chest of 'Uthmaan). Consequently, I did not forget what I memorized.

'Uthmaan Bin Abee Al 'Aas has said: I said: O messenger of Allaah, Shaytaan has interferred with my prayer and recitation, so he said: (that is a demon named Khinzib. If you feel his presence, seek the protection of Allaah and spit to the left three times). Once I did that, Allaah drove him away. Narrated by Muslim.

Chapter

The Legal Benefit Of This Story

If a man takes the wealth of his people and reaches the imaam having accepted Islaam, he should not accept this wealth nor should he assume responsibility for a loss incurred beforehand, because the prophet (may Allaah send salutations upon him) did not act as such when Al Mugheera came to him. In fact, he said: (I will accept your Islaam, though I will not accept your wealth).

A polytheist may stay in the masjid, especially if it is anticipated that he will accept Islaam.

The delegation of Thaqeef lead the tribe of Thaqeef to believe that they agreed with them which was a good approach. Once they realized that they had no other choice but to accept Islaam, the delegation of Thaqeef informed them that they came to them for this purpose. However, they would not have conceded had they informed them of this in the beginning. In reality, this is the finest method of conveying the message, though it is only employed by the intelligent.

It is he who is most learned and virtuous who deserves to be an imaam.

The destruction of polytheistic monuments is more beneficial than the destruction of bars, and the former may not be donated. However, the imaam may use funds generated from the sales of polytheistic monuments to serve Muslim interests. This also applies to what is brought to them.

It is desirable that polytheistic monuments be replaced with mosques if the need arises. Otherwise, the imaam may donate polytheistic monuments to soldiers and other people.

If a slave seeks the protection of Allaah from the accursed Shaytaan and spits to the left, his prayer will not be interrupted. In fact, his prayer would

be made complete, and Allaah knows best.

Chapter

Ibn Ishaq has said: once the tribe of Thaqeef accepted Islaam, delegations came to the prophet (may Allaah send salutations upon him) from all points and entered the religion of Allaah.

Chapter

The delegations of Banoo Tameem and Tayy have already been mentioned.

The Delegation Of Banoo 'Aamir

Ibn Ishaq has said: the delegation of Banoo 'Aamir came to the messenger of Allaah (may Allaah send salutations upon him) , and it included 'Aamir Bin At Tufayl, Arbad Bin Qays Bin Juz Bin Khaalid Bin Ja'far, and Jabbaar Bin Salma Bin Maalik Bin Ja'far who were evil leaders.

As they returned to their land, Allaah afflicted 'Aamir Bin At Tufayl with the plague, and he died at the home of a woman of Banoo Salool. Thereafter, his companions proceeded until reaching the home of Banoo 'Aamir where his people asked: what has transpired O Arbad? He replied: Muhammad invited me to worship Allaah. I wish that he were here so that I could kill him. He then departed a day or two later, and as his camel followed him, Allaah destroyed them with a lightning bolt.

Arbad was the brother of Labeed Bin Rabe'e'a.

Chapter

The Arrival Of The Delegation Of 'Abdu Qays

Ibn Ishaq has said: Al Jaarood Bin Bishr Bin Al Ma'la who was a Christian came to the messenger of Allaah (may Allaah send salutations upon him) with the delegation of 'Abdu Qays. He said: O messenger of Allaah, I will leave my religion in order to accept your religion, so give me assurance. He said: (I guarantee that what I am inviting you to is better). As a result, he and his companions accepted Islaam.

Chapter

The Legal Benefit Of This Story

It has been mentioned in this story that faith in Allaah comprises statements and actions, and this was maintained by the companions of the messenger of Allaah (may Allaah send salutations upon him) and those who came after them. Ash Shaafi'ee has mentioned this in Al Mabsoot, and this has been proven by the book and the prophetic tradition approximately 100 times.

The prophet (may Allaah send salutations upon him) did not include

pilgrimage amongst the aspects of faith which he mentioned, and this is one reason why it is said that pilgrimage was not enjoined until the tenth year. Otherwise, the prophet (may Allaah send salutations upon him) would have mentioned it as he did prayer, fasting, and obligatory charity.

It is an obligatory act of faith to deduce 1/5 of the spoils.

Allaah loves praiseworthy characteristics such as intelligence, bravery, and clemency.

Good character is innate and acquired, because when someone asked: have I acquired these two characteristics, or are they innate? The prophet (may Allaah send salutations upon him) replied: (they are innate).

The glorified has created actions and character just as he has created man himself. As a result, the entire composition of man is created, thus to believe that actions have not been created is to believe that there is a creator other than Allaah. For this reason, the early believers compared the Qadariyya to the Magians.

Rather, it should be said that Allaah gives man a propensity to behave a certain way, thus it should not be said that he forces people to act against their will. In light of this, Al Awzaa'ee and other early scholars have said: we say: Allaah has given man a propensity to behave a certain way, thus we do not say that he has forced them to act against their will. This is an acute analysis, because Allaah the glorified is so powerful that he does not need to coerce his slaves. Rather, they are inclined to act as he wishes, though they do so of their own accord.

A man may not make use of what he finds if it is something which may not be retained, because the prophet (may Allaah send salutations upon him) did not allow Al Jaarood Bin Bishr Bin Al Ma'la to mount the lost camel, and he said: (the lost property of a Muslim is a burning fire). As a result, he ordered him to avoid the camel so that it could be retrieved.

Chapter

The Arrival Of The Delegation Of Banoo Haneefa

Ibn Ishaq has said: the delegation of Banoo Haneefa came to the messenger of Allaah (may Allaah send salutations upon him) , and they were joined by Musaylima The Liar and accommodated by a woman of the ansaar.

Musaylima The Liar was brought covered to the messenger of Allaah (may Allaah send salutations upon him). Once he reached him, he made a request, hence the messenger of Allaah (may Allaah send salutations upon him) said: (even if you asked for this branch, I would not give it you).

Ibn Ishaq has said: a senior member of the tribe of Banoo Haneefa has rejected this claiming that the delegation of Banoo Haneefa gave Musaylima The Liar the responsibility of watching their riding animals when they came

to the messenger of Allaah (may Allaah send salutations upon him).

Ibn Ishaq has said: Musaylima The Liar wrote to the messenger of Allaah (may Allaah send salutations upon him) as follows: from Musaylima the messenger of Allaah to Muhammad the messenger of Allaah. I have become your associate, thus we will divide our authority with the tribe of Quraysh, though they are an unjust people. Thereafter, his messenger delivered the letter to the messenger of Allaah (may Allaah send salutations upon him) who responded as follows: (in the name of Allaah most gracious, most compassionate. From Muhammad the messenger of Allaah to Musaylima The Liar. May peace be upon those who have accepted the guidance. The earth belongs to Allaah, and those whom he pleases will inherit it, and it is the reverent who will be rewarded). This was at the end of the tenth year.

Ibn Ishaq has said: Sa'd Bin Taariq has informed me that Salama Bin Na'eem Bin Mas'ood has narrated that his father has said: I heard the messenger of Allaah (may Allaah send salutations upon him) say to the two messengers of Musaylima The Liar: (by Allaah, if messengers could be killed, I would kill both of you).

It has been narrated that 'Abdullaah has said: Ibn An Nawaaha and Ibn Athaal the messengers of Musaylima The Liar came to the messenger of Allaah (may Allaah send salutations upon him), so he asked them: (do you declare that I am the messenger of Allaah)? They replied: we declare that Musaylima is the messenger of Allaah, so he said: (I believe in Allaah and his messenger. If I were to kill a messenger, I would kill both of you). Consequently, it is a prophetic tradition to spare the life of a messenger.

Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (I had a dream where I reached the treasures of the earth. Thereafter, two gold bracelets were placed in my hand, but they became immense. As a result, I was inspired to blow upon them and they went away. I infer that they were the two liars whom I was amidst, namely the man from San'aa and the man from Al Yamaama). Narrated by Al Bukhaaree and Muslim.

Chapter

The Legal Benefit Of This Story

An imaam may write to disbelievers, and he should address them as follows: may peace be upon those who accept the guidance.

A messenger may not be killed, even if he is an apostate.

An imaam may receive a disbeliever who requests an audience with him.

An imaam should allow a scholar to respond to the opposition.

The preceding prophetic tradition is one of the greatest virtues of Aboo Bakr As Siddeeq, because the prophet (may Allaah send salutations upon

him) blew his soul upon the bracelets.

Abou Al 'Abbaas has said: a man said to me: I saw what appeared to be an inflated bracelet in my hand, though only I could see it. As a result, I said: you have a wife who is ailing from abdominal swelling.

Consider how he deduced that the bracelet represented a woman and how he concluded thereafter that she was ill since it was yellow.

Chapter

The Arrival Of The Delegation Of Tayy

Ibn Ishaq has said: the delegation of Tayy which was lead by Zayd Al Khayl came to the messenger of Allaah (may Allaah send salutations upon him) , and once he spoke to them, they accepted Islaam. He said: (every man who was ever mentioned to me who was commended did not meet my expectations with the exception of Zayd Al Khayl. Rather, he has not achieved his full potential). Thereafter, he named him Zayd Al Khayr.

He died in Najd due to a fever, and Ibn 'Abdil Barr has said: he lived until the end of 'Umar's reign, and his two sons accepted Islaam, accompanied the messenger of Allaah (may Allaah send salutations upon him) , and participated in the war which Khaalid Bin Al Waleed waged against the apostates.

Chapter

The Arrival Of The Delegation Of Kanda

Ibn Ishaq has said: Az Zuhree said to me: Al Ash'ath Bin Qays came to the messenger of Allaah (may Allaah send salutations upon him) while joined by approximately seventy horsemen of Kanda. They entered the masjid with weapons wearing garments hemmed with silk, and the messenger of Allaah said (may Allaah send salutations upon him) : (you have not accepted Islaam). They said: (we have not). He asked: (what is this silk around your necks) ? Al Ash'ath Bin Qays replied: O messenger of Allaah, we are all the children of Aakil Al Maraar, so he laughed and said: (they are related to Rabee'a Bin Al Haarith and Al 'Abbaas Bin 'Abdil Muttalib).

Az Zuhree and Ibn Ishaq have said: Rabee'a Bin Al Haarith and Al 'Abbaas Bin 'Abdil Muttalib were merchants. Whenever they were asked who they were while en route, they would reply: we are the children of Aakil Al Maraar, because they were kings. As a result, the messenger of Allaah (may Allaah send salutations upon him) replied: (we are the children of An Nadir Bin Kinaana, and we do not deny our father and slander our mother).

Al Ash'ath Bin Qays has said: we the delegation of Kanda came to the messenger of Allaah (may Allaah send salutations upon him) , and they felt that I was the best of them. I asked: O messenger of Allaah, are you not one

of us? He replied: (no, we are the children of An Nadir Bin Kinaana, and we do not deny our father and slander our mother). Narrated by Ahmad.

Al Ash'ath Bin Qays used to say: if a one denies the lineage of a man of the tribe of Quraysh via An Nadir Bin Kinaana, he is flogged as a punishment.

This story implies that the children of An Nadir Bin Kinaana belonged to the tribe of Quraysh.

Al Maraar is the name of a tree which is found in rural areas, and Aakil Al Maraar was Al Haarith Bin 'Amr Bin Hajr Bin 'Amr Bin Mu'aawiya Bin Kanda. The prophet's (may Allaah send salutations upon him) grandmother Umm Kilaab Bin Murra was a descendant of Kanda, and she is the one whom Al Ash'ath Bin Qays alluded to.

If a person attributes himself to one who is not his father, he has accused his mother of infidelity.

The children of Kanda were not the children of An Nadir Bin Kinaana.

If one denies the established lineage of another, he has slandered him and deserves to be flogged.

Chapter

The Arrival of The Ash'aree and Yemeni Delegations

Anas has narrated that the prophet (may Allaah send salutations upon him) has said: (a people are coming whose hearts are softer than yours).

Yazeed Bin Haaroon has said: Ibn Abee Dhi'b has informed us that Al Haarith Bin 'Abdir Rahmaan and Muhammad Bin Jubayr Bin Mut'im have narrated that his father has said: we were with the messenger of Allaah (may Allaah send salutations upon him) during a journey when he said: (the people of Yemen came to you like clouds, and they are better than everyone on earth). As a result, a man of the ansaar said: except for us, so he remained silent. The man repeated himself, so he remained silent, and then he said: (except for you).

It has been narrated that a group of Banoo Tameem came to the messenger of Allaah (may Allaah send salutations upon him), thus he said: (receive glad tidings O Banoo Tameem). Consequently, they said: since you have given glad tidings, share with us, thus his expression changed. Thereafter, a group from Yemen came, hence he said: (accept the glad tidings which Banoo Tameem rejected). They said: we accept. O messenger of Allaah, we have come seeking religious knowledge, and we would like to ask you about the beginning. He replied: (nothing existed except Allaah. His throne was upon the water, and he wrote everything which would ensue).

Chapter

The Arrival Of The Delegation Of Al Azad

Ibn Ishaaq has said: Sard Bin 'Abdillaah Al Azadee and the delegation of

Al Azad came to the messenger of Allaah (may Allaah send salutations upon him) , and Sard Bin ‘Abdillaah Al Azadee went on to become a good Muslim. Consequently, the messenger of Allaah (may Allaah send salutations upon him) placed him in command of the believers of his tribe, and he ordered them to wage jihaad against the polytheists of Yemen. Thereafter, they confined the polytheists for nearly a month, and then they retreated. However, when they reached a mountain named Shukr, the polytheists thought that they had been defeated. As a result, they advanced and a fierce battle ensued.

The polytheists sent two men to the messenger of Allaah (may Allaah send salutations upon him) , and he asked: (where is Shukr located) ? They replied: O messenger of Allaah, there is a mountain upon our land named Kushr. He said: (it is called Shukr and not Kushr). They asked: what about it O messenger of Allaah? He replied: (the camel of Allaah is being slaughtered there now). Thereafter, the two men sat before Aboo Bakr and ‘Uthmaan and said: ask the prophet (may Allaah send salutations upon him) to beseech Allaah so that he may grant your people respite, and they did. He then said: (O Allaah, grant them respite).

When they returned to their people, they discovered that they were attacked when the messenger of Allaah (may Allaah send salutations upon him) said what he said. As a result, the delegation of Jarsh came to the messenger of Allaah (may Allaah send salutations upon him) and accepted Islaam, and he secured the area surrounding their village.

Chapter

The Arrival Of The Delegation Of Banoo Al Haarith Bin Ka’b

Ibn Ishaq has said: the messenger of Allaah (may Allaah send salutations upon him) sent Khaalid Bin Al Waleed to Banoo Al Haarith in Rabee’ Al Aakhir or Jumaada Al Uwlaa during the tenth year. He ordered him to invite them to Islaam three times before waging war. Consequently, he dispatched horsemen in all directions who cried: O people, accept Islaam and remain safe, and they did. Thereafter, Khaalid Bin Al Waleed taught them, and he mentioned this to the messenger of Allaah (may Allaah send salutations upon him) in a letter, so he responded by instructing him to receive their delegation which included:

Qays Bin Al Husayn

Yazeed Bin ‘Abdil Madaan

Yazeed Bin Mahjal

‘Abdullaah Bin Qiraad

Shaddaad Bin ‘Abdillaah

The messenger of Allaah (may Allaah send salutations upon him) asked:

(how did you overcome those who fought you before Islaam) ? They replied: we did not overcome anyone. He said: (you certainly did). They said: we would not disband nor would we initiate strife. He said: (you have told the truth). Thereafter, he placed Qays Bin Al Husayn in command of them, and they returned to their people in Shawwaal or Dhool Qa'da. As a result, they only remained for four months before the death of the messenger of Allaah (may Allaah send salutations upon him).

Chapter

The Arrival Of The Delegation Of Hamdaan

The delegation of Hamdaan came to the messenger of Allaah (may Allaah send salutations upon him) , and it included Maalik Bin An Namt, Maalik Bin Ayfa', Damaam Bin Maalik, and 'Amr Bin Maalik.

They met the messenger of Allaah (may Allaah send salutations upon him) upon his return from Tabook, and they commended him. As a result, he fulfilled their requests in writing, and he placed Maalik Bin An Namt in command of those amongst them who accepted Islaam. He also ordered him to fight the tribe of Thaqeef.

Al Baraa has narrated that the prophet (may Allaah send salutations upon him) sent Khaalid Bin Al Waleed to Yemen to invite the people to Islaam, and Al Baraa has said: I was amongst those who joined Khaalid Bin Al Waleed, and we spent six months inviting the people to Islaam. However, they did not respond, then the prophet (may Allaah send salutations upon him) dispatched 'Alee Bin Abee Taalib.

Once we approached, the enemy advanced and 'Alee led us in prayer. He then placed us in a row. Afterward, he read the letter of the messenger of Allaah (may Allaah send salutations upon him) and the entire tribe of Hamdaan accepted Islaam. As a result, he sent a letter to the messenger of Allaah (may Allaah send salutations upon him) informing him of this. Once he read it, he prostrated, then he raised his head and said: (may peace be upon Hamdaan, may peace be upon Hamdaan). Narrated by Al Bayhaqee.

This account is more reliable, because it is unlikely that the tribe of Hamdaan fought the tribe of Thaqeef since the former was located in Yemen while the latter was located in At Taa'if.

Chapter

The Arrival Of The Delegation Of Mazeena

It has been narrated that An Nu'maan Bin Muqrin has said: we came to the messenger of Allaah (may Allaah send salutations upon him) , and there were 400 of us. When we wished to disperse, he said: (O 'Umar, give them provisions). He said: I only have a few dates which I do not believe are sufficient. He said: (give them provisions). As a result, he brought them

home. However, we found an abundance of dates upon entry. Narrated by Al Bayhaqee.

Chapter

The Arrival Of The Delegation Of Daws

Ibn Ishaq has said: At Tufayl Bin 'Amr Ad Dawsee has narrated that he reached Makka while the messenger of Allaah (may Allaah send salutations upon him) was present.

At Tufayl Bin 'Amr Ad Dawsee was a noble poet, and the tribe of Quraysh said to him: there is a man amongst us who has divided us. His speech is like magic and it causes separation. We fear that you and your people will suffer as we have suffered, so do not speak or listen to him. By Allaah, they persisted until I decided not to speak or listen to him at all.

I reached the masjid in the morning as the messenger of Allaah (may Allaah send salutations upon him) performed prayer at the ka'ba. Thereafter, I stood near him, thus Allaah insisted that I hear some of what he was saying. Since his speech was pleasing, I asked myself: what could prevent me from listening to this man? I will accept what he says if it is good and I will reject what he says if it is bad.

I remained until the messenger of Allaah (may Allaah send salutations upon him) departed, and I followed him to his doorstep where I said: O Muhammad, your people have told me such and such. By Allaah, they frightened me so much that I filled my ears lest I hear you. However, Allaah insisted otherwise, thus I heard fine speech.

The messenger of Allaah (may Allaah send salutations upon him) presented Islaam and the Qur'aan to me. By Allaah, it was the finest speech which I have ever heard, thus I accepted Islaam. I said: O prophet of Allaah, I am obeyed by my people, and I will invite them to Islaam when I return to them, so ask Allaah to grant me a miracle which may assist me in this regard. As a result, he said: (O Allaah, grant him a miracle).

I went fourth at which point a light shined between my eyes like a lamp. Consequently, I said: O Allaah, I fear that the people will think that this has happened because I have left their religion. Thereafter, the light shined upon the tip of my whip like a candle.

Once I reached them, my father who was a prominent figure came to me, and I said: leave me alone, for we are not related. He asked: wht not my son? I said: I follow the religion of Muhammad. He said: then your religion is my religion. I said: wash your clothes and bathe, then come to me so that I may teach you what I have learned, and he did. Once I presented Islaam to him, he accepted it. Thereafter, my companion came to me, and I said: leave me alone, for we have no relationship. She asked: why not? I replied: I follow the religion of Muhammad. She said: then your religion is my religion. I said: go bathe, and she did. Afterward, I presented Islaam to her

and she accepted it. I then invited Daws to Islaam, and I said to the messenger of Allaah (may Allaah send salutations upon him) : fornication has overcome Daws, so supplicate against them. However, he said: (O Allaah, guide Daws) , and then he said: (return to your people, invite them to Allaah, and be gentle to them). As a result, I returned to them and invited them to Allaah. Thereafter, we joined the messenger of Allaah (may Allaah send salutations upon him) at Khaybar where he shared spoils with us.

Ibn Ishaq has said: when the messenger of Allaah (may Allaah send salutations upon him) passed away and the Arabs apostated, At Tufayl, his son 'Amr, and the believers proceeded to Al Yamaama where At Tufayl said: I had a dream, so give me your interpretation of it. My head was shaved, a bird came out of my mouth, a woman inserted me in her vagina, and my son quickly pursued me before being withheld. They said: your dream was good.

He said: my shaved head was humiliation. The bird which came out of my mouth was my soul. The woman who inserted me in her vagina was the earth which I will enter, and my son who pursued me before being withheld was the martyrdom which I will attain before him. Thereafter, At Tufayl was martyred at Al Yamaama and his son 'Amr was severely wounded before being martyred in the year of Al Yarmook during the reign of 'Umar.

Chapter

The Legal Benefit Of This Story

It was customary for one to bathe before accepting Islaam, and the prophet (may Allaah send salutations upon him) enjoined this. As a result, the most accurate view is that one must bathe even if he was pure as a disbeliever.

An intelligent person should not praise or condemn simply because others do so, especially if they are indiscriminate. In fact, blind following of this nature has prevented so many hearts from being guided.

Those who arrive before the battle has ended may receive spoils.

The feats of those who are dear to Allaah serve religious interests, and these acts are the product of obedience. As a result, the truth reigns supreme. Conversely, Satanic states are the opposite in terms of cause and effect.

One should be patient when inviting to Allaah, thus he should not supplicate against the sinful.

A shaved head in and of itself is not an indication of humiliation, because it indicates relief for those who deserve it. Otherwise, it indicates poverty and the loss of influence. However, there is evidence which necessitates that the shaved head of At Tufayl was humility, amongst which was that his adversaries were courageous.

He saw himself enter the womb of a woman which represented the earth,

and the earth was a kin to his mother. He entered from whence he emerged which represented his return to the ground, and the most high has said: **{we have created you from it, we return you to it, and we will remove you from it}** [Taha/55].

﴿مِنْهَا خَلَقْنَاكُمْ وَفِيهَا نُعِيدُكُمْ وَمِنْهَا نُخْرِجُكُمْ تَارَةً أُخْرَىٰ﴾ [طه: 55]

He deduced that the woman represented the earth since both are fertile, and he deduced that his entry into the woman was his return to the ground which he was created from.

He deduced that the bird which came out of his mouth was his soul, because his soul was like a bird trapped inside his body. Consequently, when his soul departed his body, it resembled a bird which escaped. For this reason, the prophet (may Allaah send salutations upon him) said: (the soul of the believer is a bird which flies amongst the trees of paradise). It was this bird which was seen as it entered the grave of Ibn 'Abbaas, and someone was heard reciting the following: **{O tranquil soul, return to your lord pleasing and content}** [Al Fajr/27-28].

﴿يَا أَيُّهَا النَّفْسُ الْمُطْمَئِنَّةُ ارْجِعِي إِلَىٰ رَبِّكِ رَاضِيَةً مَّرْضِيَّةً﴾ [الفجر: 27-28]

A soul matches this bird in terms of blackness, whiteness, ugliness, and beauty. For this reason, the souls of the people of Fir'awn appeared as black birds which hovered over the fire throughout the morning and evening.

He deduced that his son's pursuit of him was his endeavor to join him in martyrdom, and he deduced that the time which he spent away from him was the time which elapsed between the battle of Al Yamaama and the battle of Al Yarmook, and Allaah knows best.

Chapter

The Arrival Of The Delegation Of Najraan

Ibn Ishaq has said: a delegation of Christians from Najraan came to Al Madeena to meet the messenger of Allaah (may Allaah send salutations upon him), and Muhammad Bin Az Zubayr said to me: when the delegation of Najraan came to the messenger of Allaah (may Allaah send salutations upon him), they entered the masjid after the late afternoon prayer. Thereafter, they rose to perform their prayer, thus the people sought to stop them. As a result, the messenger of Allaah (may Allaah send salutations upon him) said: (leave them be).

He has said: Yazeed Bin Sufyaan has informed me that Ibn Al Baylamaanee has narrated that Karz Bin 'Alqama has said: a delegation of Christians from Najraan came to the messenger of Allaah (may Allaah send salutations upon him), and there were sixty horsemen and twenty-four elders.

Their priest was Aboo Haaritha Bin 'Alqama, and the kings of Rome built churches for him due to his knowledge and dilligence.

As they proceeded from Najraan to meet the messenger of Allaah (may Allaah send salutations upon him) , Aboo Haaritha rode beside his brother Karz Bin 'Alqama, and he said the following concerning the messenger of Allaah (may Allaah send salutations upon him) : he is the illiterate prophet whom we have been awaiting. As a result, Karz asked: since you know this, what prevents you from following him? He replied: if I were to follow him, we would lose everything we have received, so Karz Bin 'Alqama did not discuss the matter any further, and then he accepted Islaam.

Ibn Ishaq has said: Muhammad Bin Abee Muhammad has informed me that Sa'eed Bin Jubayr and 'Ikrima have narrated that Ibn 'Abbaas has said: the Christians of Najraan and Jewish scholars met with the messenger of Allaah (may Allaah send salutations upon him) where a discrepancy arose. The Jews said: Ibraaheem was Jewish. The Christians said: Ibraaheem was Christian. As a result, Allaah the magnificent revealed the following verse: **{O people of the book, why do you argue concerning Ibraaheem when the Tawraa and Injeel were revealed after him. Have you no sense. }** [Aalu 'Imraan/65-68].

﴿يَا أَهْلَ الْكِتَابِ لِمَ تُحَاجُّونَ فِي إِبْرَاهِيمَ وَمَا أُنْزِلَتِ التَّوْرَةُ إِلَّا مِنْ بَعْدِهِ أَفَلَا تَعْقِلُونَ﴾

﴿هَآأَنْتُمْ هَآؤَآءِ حَاجِبْتُمْ فِيْمَا لَكُمْ بِرِءْعِلْمٍ فَلِمَ تُحَآجُّوْنَ فِيْمَا لَيْسَ لَكُمْ بِرِءْعِلْمٍ وَاللّٰهُ يَعْلَمُ وَأَنْتُمْ لَا

تَعْلَمُوْنَ﴾ ﴿٦٦﴾ مَا كَانَ إِبْرَاهِيْمُ يَهُودِيًّا وَلَا نَصْرَانِيًّا وَلَكِنْ كَانَتْ حَنِيفًا مُّسْلِمًا وَمَا كَانَ مِنَ الْمُشْرِكِيْنَ ﴿٦٧﴾ إِنَّكَ أَوَّلُ

النَّاسِ بِإِبْرَاهِيْمَ لِلَّذِيْنَ آمَنُوْهُ وَهَآؤَآءِ النَّبِيُّ وَالَّذِيْنَ ءَامَنُوْا وَاللّٰهُ وَلِيُّ الْمُؤْمِنِيْنَ﴾ ﴿٦٨﴾ [آل عمران: 65-68]

One of the Jews asked: O Muhammad, do you want us to worship you as the Christians worship 'Eesa Bin Maryam? One of the Christians asked: is that what you want O Muhammad? As a result, he replied: (may Allaah forbid that I be worshipped or that I oblige you to worship other than Allaah). Thereafter, Allaah the magnificent revealed the following: **{a man whom Allaah granted the book, wisdom, and prophethood could not tell people to worship him}** [Aalu 'Imraan 79].

﴿مَا كَانَ لِشَيْءٍ أَنْ يُؤْفِكَهُ اللَّهُ الْكِتَابَ وَالْحُكْمَ وَالشُّبُوَّةَ ثُمَّ يَقُولَ لِلنَّاسِ

كُونُوا عِبَادًا لِّيْ﴾ [آل عمران: 79]

And he finally mentioned that they pledged to affirm his lordship, and he said: **{he received a pledge from the prophets...}** [Aalu 'Imraan/81].

﴿وَإِذْ أَخَذَ اللَّهُ مِيثَاقَ النَّبِيِّيْنَ﴾ [آل عمران: 81]

Muhammad Bin Sahla Bin Abee Umaama has said: the first eighty verses

of Aalu 'Imraan were revealed when the Christians questioned the messenger of Allaah (may Allaah send salutations upon him) concerning 'Eesa Bin Maryam.

Al Asamm, Ahmad Bin 'Abdil Jabbaar, Yoonus Bin Bakeer, Salama Bin 'Abdi Yasoo', his father, and his grandfather have narrated that the messenger of Allaah (may Allaah send salutations upon him) wrote the following to the people of Najraan: (in the name of the deity of Ibraaheem, Ishaah, and Ya'qoob. I invite you to worship Allaah and to no longer worship man. If you refuse, you will be obliged to give the jizya. Otherwise, you will be fought).

Al Asqaf gave the letter of the messenger of Allaah (may Allaah send salutations upon him) to Shurahbeel Bin Wadaa'a. Once he read it, Al Asqaf asked: what is your opinion O Aboo Maryam? Shurahbeel replied: you know that Allaah promised Ibraaheem that a prophet would descend from Ismaa'eel.

Al Asqaf went to someone from Najraan named 'Abdullaah Bin Shurahbeel, then he read the letter and sought his opinion. Since he replied as Shurahbeel Bin Wadaa'a did, he went to a man named Jabbaar Bin Fayd. However, his reply was no different.

Thereafter, Al Asqaf read the letter of the messenger of Allaah (may Allaah send salutations upon him) before the people of the valley, then he sought their opinion. They agreed to send Shurahbeel Bin Wadaa'a, 'Abdullaah Bin Shurahbeel, and Jabbaar Bin Fayd to gather information concerning the messenger of Allaah (may Allaah send salutations upon him).

Once the delegation reached Al Madeena, they changed into their formal apparel and came to the messenger of Allaah (may Allaah send salutations upon him). When they greeted him, he did not respond. In fact, he did not speak to them the entire day. As a result, they searched for 'Uthmaan Bin 'Affaan and 'Abdur Rahmaan Bin 'Awf whom they found seated amongst the muhaajiroon and the ansaar, and they said: O 'Uthmaan, O 'Abdur Rahmaan, your prophet wrote us a letter which we have responded to. We came to him and greeted him, though he did not respond. In fact, he did not speak to us the entire day, so what do you advise? Should we return? As a result, they asked 'Alee Bin Abee Taalib: what is your opinion O Aboo Al Hasan? He replied: I feel that they should change into their normal attire and that they should return to the messenger of Allaah (may Allaah send salutations upon him), and they did.

When they greeted the messenger of Allaah (may Allaah send salutations upon him), he responded. Afterward, they exchanged questions until they asked him: what do you say about 'Eesa? We are Christians who will return to our people, thus it would please us to know what you say about him if you are a prophet. Consequently, the messenger of Allaah (may Allaah send

salutations upon him) said: (I cannot reply today, so stay until I tell you what I have heard concerning 'Eesa).

Allaah the magnificent revealed the following before dawn: **{the likeness of 'Eesa to Allaah is Aadam whom he created from dust. He then said be and he existed. The truth is from you lord, so do not be skeptical. If a discrepancy arises once you have attained knowledge, say come so that we may gather our women and children, and we will then invoke the curse of Allaah upon the liars}** [Aalu 'Imraan/59-61].

﴿إِنَّ مَثَلَ عِيسَىٰ عِنْدَ اللَّهِ كَمَثَلِ آدَمَ خَلَقَهُ مِنْ تُرَابٍ ثُمَّ قَالَ لَهُ كُنْ فَيَكُونُ﴾ (٥٩) الْحَقُّ مِنْ رَبِّكَ فَلَا تَكُن مِّنَ

الْمُتَرَدِّينَ ﴿٦٠﴾ فَمَنْ حَاجَّكَ فِيهِ مِن بَعْدِ مَا جَاءَكَ مِنَ الْعِلْمِ فَقُلْ تَعَالَوْا نَدْعُ أَبْنَاءَنَا وَأَبْنَاءَكُمْ وَنِسَاءَنَا وَنِسَاءَكُمْ

وَأَنْفُسَنَا وَأَنْفُسَكُمْ ثُمَّ نَبْتَهِلْ فَنَجْعَل لَّعْنَتَ اللَّهِ عَلَى الْكَاذِبِينَ ﴿٦١﴾ [آل عمران: 59-61]

The messenger of Allaah (may Allaah send salutations upon him) did not invoke a curse upon them. Rather, he wrote them a letter in the presence of:

Aboo Sufyaan Bin Harb

Ghaylaan Bin 'Amr

Maalik Bin 'Awf

Al Aqra' Bin Haabis Al Handhalee

Al Mugheera Bin Shu'ba

A monk named Ibn Abee Shamr Az Zubaydee said: a prophet has been sent from At Tihaama and he has written to Al Asqaf. As a result, the people of the valley agreed to send Shurahbeel Bin Wadaa'a, 'Abdullaah Bin Shurahbeel, and Jabbaar Bin Fayd to him in order to gather information. Once they came to him, he invited them to invoke the curse of Allaah upon the liars. However, they did not wish to do so. Consequently, he wrote a letter to them which they gave to Al Asqaf who declared that he was a prophet. Afterward, Aboo 'Alqama came toward him seeking to accept Islaam, and the monk brought gifts to the messenger of Allaah (may Allaah send salutations upon him). He then learned about the law and the revelation. However, Allaah did not allow him to accept Islaam.

He sought permission to leave and said that he would return if Allaah had willed, though once he did so, the messenger of Allaah (may Allaah send salutations upon him) had perished.

Al Mugheera Bin Shu'ba has said: the messenger of Allaah (may Allaah send salutations upon him) sent me to Najraan where someone asked: have you heard what they recite: **{O sister of Haaroona}** [Maryam/28]?

﴿يَا أُخْتَ هَارُونَ﴾ [مریم: 28]

You are aware of the interval between Moosa and 'Eesa. As a result, I informed the prophet (may Allaah send salutations upon him) of this and he

asked: (did you not inform them that they used to name their children after the prophets and righteous people who preceded them) ? Narrated by Muslim.

Yoonus Bin Bakeer has narrated that Ibn Ishaq has said: the messenger of Allaah (may Allaah send salutations upon him) sent 'Alee Bin Abee Taalib to the people of Najraan to collect their charity and the jizya.

Chapter

The Legal Benefit Of This Story

The people of the book may enter the masjid.

The people of the book may be allowed to perform prayer in the masjid and amongst the believers, though not regularly.

Although the diviner and person of the book affirmed that the messenger of Allaah (may Allaah send salutations upon him) was a prophet, this did not render him a Muslim. Rather, he was obliged to obey him in order to become a Muslim. Similarly, when the two scholars asked him three questions which he answered, they said: we declare that you are a prophet. As a result, he asked: (then what prevents you from following me) ? They replied: we fear that the Jews will kill us.

Aboo Taalib who was his uncle declared that he was truthful and that his religion was the finest, though his declaration did not make him a Muslim. In fact, many polytheists and people of the book declared that he was a messenger, but their declaration did not make them Muslim. Consequently, Islaam surpasses awareness and confirmation. Rather, it entails awareness, confirmation, and perpetual obedience.

Scholars have differed concerning a disbeliever who only says: I declare that Muhammad is the messenger of Allaah. Is he considered a Muslim? Three views exist in this regard and they have all been attributed to Ahmad:

1. He is considered a Muslim.
2. He cannot be considered a Muslim until he declares that there is no deity worthy of worship except Allaah.
3. He is considered a Muslim if he is a monotheist.

Jews and Christians agreed that a prophet would emerge, and they awaited him. In fact, their scholars did not doubt that he was Muhammad Bin 'Abdillaah Bin 'Abdil Muttalib, but their wealth and status prevented them from accepting Islaam.

Chapter Interfaith Debate

Interfaith debate is desireable. In fact, it is obligatory when one anticipates that the other party will accept Islaam, though one should desist if he is unable to present a case. In fact, we would illustrate how the scriptures of the Jews and Christians oblige them to affirm that the prophet

(may Allaah send salutations upon him) is the messenger of Allaah, though will refrain from doing so for brevity sake. However, we hope that Allaah the glorified will allow a separate book to be written in this regard.

I said during a debate of this nature: you cannot deny our prophet (may Allaah send salutations upon him) without accusing the lord most high of injustice. I was asked: How could this be? I replied: In fact, you could not do this without denying his existence.

Since you claim that the prophet (may Allaah send salutations upon him) was an oppressive king, then he was dishonest regarding Allaah. In addition, he was a legislator who killed the followers of prophets while taking prisoners, seizing wealth, and banishing people from their homes. This continued until he conquered the land. He attributed all of this to the command of Allaah who witnessed him for twenty-three years. In fact, he assisted him and destroyed his enemies which is more astonishing.

You consider him the greatest liar, and none is more unjust than one who is dishonest regarding Allaah, or one who changes the laws of the prophets. However, he has stated that his lord revealed the following to him: **{who is more unjust than one who is dishonest regarding Allaah, or one who claims to give or receive revelation}** [Al An'aam/93].

﴿أَظْلَمُ مِمَّنِ افْتَرَىٰ عَلَى اللَّهِ كَذِبًا أَوْ قَالَ أُوحِيَ إِلَيَّ وَلَمْ يُوحَ إِلَيْهِ شَيْءٌ وَمَنْ قَالَ سَأُنْزِلُ مِثْلَ مَا أَنْزَلَ اللَّهُ﴾ [الأنعام: 93]

Consequently, you must say that the earth has no creator, otherwise he would have punished the prophet (may Allaah send salutations upon him).

The only option which remains is for you to say that Allaah is unjust and has led man astray. Nevertheless, we do not deny that many liars have gained power, though it did not last for long. Rather, the messengers and their followers gained control over them. This is an age old tradition which will endure until the end of time. Once I said this, it was said: may Allaah forbid that we say that he is unjust or dishonest. Rather, every person of the book who is equitable affirms that anyone who walks the path of Muhammad will be successful in the afterlife. I asked: how could one who walks the path of a liar be successful in the afterlife? As a result, he had no alternative but to affirm his message, though he said that he was not sent to them. I said: you are obliged to affirm his message. In fact, he said that he was the messenger of Allaah who was sent to all people, and he invited the people of the book to his religion. As for those who refused to accept his religion, he fought then until they gave the jizya.

The point is this, the messenger of Allaah (may Allaah send salutations upon him) engaged in interfaith debate until he died, and his companions did so as well. In fact, the glorified commanded him to debate the disbelievers in the best manner while he was in Makka and Al Madeena. Thereafter, he commanded him to invite them to invoke the curse of Allaah

upon the liars. This is how Islaam was established. As for the sword, it was intended to facilitate the presentation of his case.

Chapter

One Who Raises Creation Above The Level Of Servitude

One who raises creation above the level of servitude is a polytheist who opposes the call of all messengers. As for the narration which states that the prophet (may Allaah send salutations upon him) wrote to the people of Najraan as follows: (in the name of the deity of Ibraaheem, Ishaq, and Ya'qoob) , I do not believe that it is reliable. However, he did write to Heracles as follows: (in the name of Allaah, most gracious, most compassionate). This was his custom when writing kings.

It has also been narrated that he said this before An Naml was revealed, though this is totally incorrect, because all agree that this chapter was revealed in Makka, though he wrote to the people of Najraan upon his return from Tabook.

The messengers of the disbelievers may be ignored if they appear to be arrogant, because the messenger of Allaah (may Allaah send salutations upon him) did not speak or respond to the messengers who came to him until they removed their formal apparel.

It is a prophetic tradition when debating the people of falsehood to invite them to invoke the curse of Allaah upon the liars if they continue to reject the truth. In fact, Allaah the glorified commanded his messenger to do so, and he did not say that his nation could not emulate him after his death. As a result, Al Awzaa'ee invited Sufyaan Ath Thawree to invoke the curse of Allaah upon the liars concerning the issue of raising the hands during prayer, though he was not criticized.

The people of the book may be offered peace in return for whatever the imaam desires, and this is a kin to the jizya. Consequently, it is not necessary that the jizya be imposed upon each person of the book. Rather, whatever the imaam receives is the jizya, and when the prophet (may Allaah send salutations upon him) sent Mu'aadh to Yemen, he ordered him to take one deenaar from every mature male, or fabric of equal value. As for the people of Najraan, none of them were Muslim and they enjoyed immunity. As for Yemen, it was an Islaamic territory, though the prophet (may Allaah send salutations upon him) commanded Mu'aadh to impose the jizya upon the entire populace since Jews were present. Although jurists confine the jizya to this scenario, it is in actuality wealth which is taken from the disbelievers on a yearly basis as an act of subjugation.

An imaam may stipulate that the disbelievers host his messengers for a certain amount of days.

An imaam may stipulate that the disbelievers lend the believers what they

need, and this loan is guaranteed. Though is it guaranteed by law or provision? This was discussed in the chapter of the battle of Hunayn. However, in this case, the return of what was lent was guaranteed, though no provision was made for lost property.

The imaam may not condone the usury based transactions of the people of the book, because they are unlawful according to their teachings. Similarly, he may not condone fornication, homosexuality, and intoxication. Rather, he should enforce the law.

A peace treaty is contingent upon good behavior, thus if the disbelievers do not act as such, they may no longer enjoy immunity. This was our decision in the aftermath of the fire which was started in Damascus. In fact, we applied this ruling to those who were indirectly responsible as well as those who failed to inform authorities.

It is beneficial for an imaam to send a trustworthy scholar to those who enjoy immunity, i. e. the pleasure of Allaah should be his sole objective, and Aboo 'Ubayda Al Jarraah was as such.

Interfaith dialogue should be conducted, though if a question is posed which a Muslim cannot answer, he should turn to a scholar.

As for the statement of Ibn Ishaq: the messenger of Allaah (may Allaah send salutations upon him) sent 'Alee Bin Abee Taalib to the people of Najraan to collect their charity and the jizya, some believe that it is contradictory, because charity and the jizya do not combine.

Similarly, he and others have mentioned that the prophet (may Allaah send salutations upon him) sent Khaalid Bin Al Waleed to Najraan in Rabee' Al Aakhir or Jumaada Al Uwla during the tenth year. He commanded him to invite Banoo Al Haarith Bin Ka'b to Islaam three times before waging war.

Once Khaalid Bin Al Waleed arrived, he sent horsemen in all directions to invite the people to Islaam. Thereafter, he taught them, and he mentioned this to the messenger of Allaah (may Allaah send salutations upon him). However, the messenger of Allaah (may Allaah send salutations upon him) offered their delegation peace in return for 2, 000 garments, he also wrote them a letter of security in which he stipulated that they must not change their religion.

This is even more problematic than the first statement. Nevertheless, the answer is that some of the people of Najraan were Christian while others were illiterate, and the prophet (may Allaah send salutations upon him) offered peace to the Christians. As for the illiterate, he sent Khaalid Bin Al Waleed to them and they accepted Islaam, and their delegation came to him. In fact, it was they whom he asked: (how did you overcome those who fought you before Islaam) ? They replied: we would not disband nor would we initiate strife. He said: (you have told the truth) , and he placed Qays Bin

Al Husayn in command of them. Since they were Banoo Al Haarith Bin Ka'b, Ibn Ishaq meant that the prophet (may Allaah send salutations upon him) sent 'Alee to collect the charity of those who accepted Islaam and the jizya of the Christians.

Chapter

The Arrival Of The Messenger Of Farwa Bin 'Amr Al Judhaama The King Of The Arabs Of Rome

Ibn Ishaq has said: Farwa Bin 'Amr Al Judhaama sent a messenger to the messenger of Allaah (may Allaah send salutations upon him) when he accepted Islaam, and he gave him a white mule. Once the Romans were informed that he had accepted Islaam, they found him and held him captive at 'Afraa in Palestine. Thereafter, they killed and crucified him (may Allaah the most high have mercy upon him).

Chapter

The Arrival Of The Delegation Of Sa'd Bin Bakr

Ibn Ishaq has said: Muhammad Bin Al Waleed has informed me that Kurayb has narrated that Ibn 'Abbaas has said: Banoo Sa'd Bin Bakr sent Damaam Bin Tha'laba to the messenger of Allaah (may Allaah send salutations upon him) as a delegate. Once he arrived, he tied his camel at the masjid gate. Afterward, he entered the masjid as the messenger of Allaah (may Allaah send salutations upon him) sat with his companions, and he asked: which one of you is Ibn 'Abdil Muttalib. As a result, the messenger of Allaah (may Allaah send salutations upon him) said: (I am Ibn 'Abdil Muttalib). He asked: are you Muhammad? He replied: (yes). He said: Allaah has enjoined that we worship him and none other. He said: (O Allaah yes). Thereafter, he mentioned the essentials of Islaam one by one until Damaam Bin Tha'laba said: I declare that there is no deity worthy of worship except Allaah, and I declare that Muhammad is his slave and messenger. I will fulfill these obligations and will avoid what you have prohibited, and I will do no more and no less. He then returned to his camel, and the messenger of Allaah (may Allaah send salutations upon him) said: (the one with two braids will enter paradise if he is truthful).

Once he reached his people, they gathered around him. The first thing he said was: al laa and al 'uzza are despicable. As a result, they said: O Damaam, be fearful of leprosy and insanity. He said: al laa and al 'uzza cannot harm nor benefit anyone. Allaah has sent a messenger whom he has given a book, and it will save you. I declare that there is no deity worthy of worship except Allaah and that Muhammad is his slave and messenger, and I have come to you with his injunctions.

Ibn Ishaq has said: we have not heard of a greater delegate than

Damaam Bin Tha'laba, and this story has been narrated by Anas as is found in Al Bukhaaree and Muslim.

Pilgrimage was mentioned in this story which indicates that Damaam arrived once it was enjoined. However, this is highly unlikely, thus it appears that the mention of pilgrimage has been added, and Allaah knows best.

Chapter

The Arrival Of Taariq Bin 'Abdillaah And His People

Jaami' Bin Shaddaad has said: a man named Taariq Bin 'Abdillaah said to me: I stood in the marketplace as a man approached saying: (O people, say there is no deity worthy of worship except Allaah and you will succeed). Meanwhile, a man followed him throwing stones at him saying: O people, do not believe him, because he is a liar. As a result, I asked: who is he? Others replied: this is a young man of Banoo Haashim who claims that he is the messenger of Allaah. I asked: who is following him? They replied: his uncle 'Abdul 'Uzza.

After the people accepted Islaam and migrated, we went to Al Madeena in search of dates. Once we arrived, we said: we should change our clothes. Thereafter, a man greeted us and asked: (where have you come from) ? We replied: Ar Rabbha. He asked: (where are you going) ? We replied: Al Madeena. He said: (what do you need) We replied: dates, and we had a red camel, so he asked: (is your camel for sale) ? We replied: yes, for such and such amount of dates. However, he took the camel and departed without giving us a thing. We then said: we sold our camel to someone whom we do not know, though we have not received payment. Consequently, a woman who was amongst us said: by Allaah, I saw a man whose face resembled a full moon. I guarantee that you will receive payment. Narrated by Al Bayhaquee.

Ibn Ishaq has narrated the following: the woman said: do not blame each other, because I have seen the face of a man who is faithful, and I have seen nothing which resembles a full moon more than his face. Thereafter, a man arrived and said: I am the messenger of Allaah (may Allaah send salutations upon him) who has been sent to you. Here are your dates, eat until you become full.

When we entered the masjid, he was delivering a sermon, and we heard him say: (it is best that you be charitable. The upper hand is better than the lower hand, begin with your parents, your siblings, and those who follow them).

Chapter

The Arrival Of The Delegation Of Tajeeb

The delegation of Tajeeb which consisted of thirteen men came to the

messenger of Allaah with the charity which they were obliged to give. As a result, he received them well, and they said: O messenger of Allaah, we have brought you the wealth which Allaah deserves. He said: (divide it amongst your needy). They said: O messenger of Allaah, what we have brought is beyond their needs, thus Aboo Bakr said: O messenger of Allaah, this delegation is unmatched. He said: (guidance lies within the hand of Allaah the magnificent, thus when he wishes someone well, he expands his chest for faith).

The delegation of Tajeeb made requests which he honored in writing, and they questioned him concerning the Qur'aan and the prophetic tradition, thus he commanded Bilaal to be hospitable toward them. However, they only remained for a few days. They said: we will return to those whom we have left behind and will inform them of our encounter with the messenger of Allaah (may Allaah send salutations upon him). Thereafter, they bid him farewell and he sent them Bilaal, hence they received the finest reward of any delegation.

He asked: (does anyone remain) ? They replied: yes, we left a youth with our riding animals, and he is the youngest of us. He said: (send him to us). They said: go to the messenger of Allaah (may Allaah send salutations upon him) and do what you must, for we have concluded. Consequently, he came to him and said: O messenger of Allaah, those who came to you have concluded, so assist me. He asked: (what do you need) ? He replied: my companions and I do not have the same needs. By Allaah, my only wish is that you ask Allaah the magnificent to have mercy upon me and to place my wealth within my heart). As a result, he said: (O Allaah, have mercy upon him and place his wealth within his heart).

The delegation of Tajeeb met the messenger of Allaah (may Allaah send salutations upon him) at Mina during the tenth year, and they said: we are Banoo Abdha, so he asked: (what has the youth done who accompanied you) ? They replied: O messenger of Allaah, we have never seen anyone like him, he is most content with his sustenance.

As people began leaving Islaam in Yemen upon the death of the messenger of Allaah (may Allaah send salutations upon him) , he reminded them of Allaah. In fact, when Aboo Bakr became aware of this, he wrote to Ziyaad Bin Labeed asking him to treat him well.

Chapter

The Arrival Of The Delegation Of Banoo Sa'd Hudhaym

Al Waaqidee has said that Aboo An Nu'maan has narrated that his father has said: I came to the messenger of Allaah (may Allaah send salutations upon him) as a delegate while accompanied by a group of my people, and the masses were of two types, namely those who desired Islaam and those

who feared the sword.

We came to the masjid gate where we found the messenger of Allaah (may Allaah send salutations upon him) performing the funeral prayer, so we stood aside so that we could offer our pledge of allegiance. Thereafter, he called us and asked: (who are you) ? We replied: we are of Banoo Sa'd Hudhaym. He asked: (are you Muslim) ? We replied: yes. He asked: (then why did you not perform prayer for your brother) ? We replied: O messenger of Allaah, we thought that we could not do so without pledging allegiance. As a result, he said: (you will be Muslim wherever you accept Islaam) , so we accepted Islaam and pledged allegiance to the messenger of Allaah (may Allaah send salutations upon). Thereafter, we returned to our riding animals where we had left the youngest of us.

Our companion pledged allegiance to the messenger of Allaah (may Allaah send salutations upon him) , so we said: O messenger of Allaah, he is the youngest of us and he is our servant. As a result, he said: (the youngest of a people is their servant, may Allaah bless him). By Allaah, he became the best of us, then the messenger of Allaah (may Allaah send salutations upon him) placed him in command of us. Once we sought to disperse, he rewarded each of us with silver, and our people accepted Islaam upon our return.

Chapter

The Arrival Of The Delegation Of Banoo Fizaara

Aboo Ar Rabee' Bin Saalim has said the following in the book Al Iktifaa: when the messenger of Allaah (may Allaah send salutations upon him) returned from Tabook, he received the delegation of Banoo Fizaara which included: Khaarija Bin Hisn and Al Hurr Bin Qays the nephew of 'Uyayna Bin Hisn who was the youngest of them.

They were hosted by Ramla Bint Al Haarith, and they came to the messenger of Allaah (may Allaah send salutations upon him) believing in Islaam. When he questioned them about their land, one of them replied: O messenger of Allaah, our land is drought-stricken, so beseech your lord and intercede for us so that he may seek your intervention. As a result, the messenger of Allaah (may Allaah send salutations upon him) said: (glory be to Allaah. I have sought the intercession of my lord, so whose intervention could he seek) ? He also said: (Allaah the magnificent laughs at the nearness of your respite) , so an Arab asked: O messenger of Allaah, does Allaah the magnificent laugh? He replied: yes.

The prophet (may Allaah send salutations upon him) ascended the minbar and spoke, though he only raised his hands when seeking rain. In fact, he raised his hands until the whiteness of his armpits was visible.

Chapter

The Arrival Of The Delegation Of Banoo Asad

The messenger of Allaah (may Allaah send salutations upon him) received the delegation of Banoo Asad which included Waabisa Bin Ma'bad and Talha Bin Khuwaylid. As the messenger of Allaah (may Allaah send salutations upon him) sat amongst his companions in the masjid, their spokesman said: O messenger of Allaah, we have declared that Allaah has no partner and that you are his slave and messenger. O messenger of Allaah, we have come to you of our own accord.

Muhammad Bin Ka'b Al Quradhee has said: Allaah revealed the following to his messenger: **{they act as if they have done you a favor by accepting Islaam. Say do not consider this a favor. Rather, Allaah has done you a favor by guiding you to faith, provided you are truthful}** [Al Hujuraat/17].

﴿يَمُنُّونَ عَلَيْكَ أَنْ أَسْلَمُوا قُلْ لَا تَمْنُوا عَلَيَّ إِسْلَمَكُمْ بَلِ اللَّهُ يَمُنُّ عَلَيْكُمْ أَنْ هَدَيْتُكُمْ

لِلْإِيمَانِ إِنْ كُنْتُمْ صَادِقِينَ ﴿١٧﴾﴾ [الحُجُرَات: 17]

They sought the permission of the messenger of Allaah (may Allaah send salutations upon him) to perform acts of divination, though it was denied.

Chapter

The Arrival Of The Delegation Of Bahraa

Al Waaqidee has mentioned that Kareema Bint Al Miqdaad has said: I have heard my mother Dabaa'a Bint Az Zubayr Bin 'Abdil Muttalib say: the delegation of Bahraa came from Yemen to meet the messenger of Allaah (may Allaah send salutations upon him) , and it consisted of thirteen men. Once they arrived, they were welcomed by Al Miqdaad.

He presented them with a large plate of food, and he gave us the plate once they finished eating. Thereafter, we placed the remaining food upon a small plate and sent it to the messenger of Allaah (may Allaah send salutations upon him). He asked: (did Dabaa'a send this) ? Her servant Sidra replied: yes O messenger of Allaah, and everyone ate. Afterward, he said: (bring what remains to your guest).

Once the people were full, Aboo Ma'bad informed them that the messenger of Allaah (may Allaah send salutations upon him) had eaten as well and that the food was blessed by his touch. As a result, the people said: we declare that he is the messenger of Allaah, and their conviction increased as the messenger of Allaah (may Allaah send salutations upon him) had intended.

They learned the essentials and bid the messenger of Allaah (may Allaah send salutations upon him) farewell, and he gave them their reward.

Chapter

The Arrival Of The Delegation Of 'Udhra

The delegation of 'Udhra came to the messenger of Allaah (may Allaah send salutations upon him) in the month of Safr during the ninth year, and amongst those present was Jamra Bin An Nu'maan. The messenger of Allaah (may Allaah send salutations upon him) : (who are you) ? The spokesman replied: we are Banoo 'Udhra the brothers of Qusayy. We are the ones who aided Qusayy banishing Khuzaa'a and Banoo Bakr from Makka. As a result, the messenger of Allaah (may Allaah send salutations upon him) welcomed them and they accepted Islaam. He informed them that the conquest of Syria was forthcoming and that Caesar would flee as a result. He forbade that they consult diviners and informed them that their mode of sacrifice was unlawful.

They were hosted by Ramla for a few days and they departed having received their rewards.

Chapter

The Arrival Of The Delegation Of Bala

The delegation of Bala arrived in Rabee' Al Awwal during the ninth year and was hosted by Ruwayfi' Bin Thaabit Al Balawee. He said to the messenger of Allaah (may Allaah send salutations upon him) : these are my people. Consequently, he welcomed them and they accepted Islaam. He said: (praise belongs to Allaah who has guided you to Islaam, because anyone who dies a disbeliever will be in the fire).

Aboo Ad Dabeeb the leader of the delegation asked: O messenger of Allaah, I would like to host guests. Is there a reward for this? He replied: (yes, all acts of goodwill are charity whether they are performed for the wealthy or the needy). He asked: O messenger of Allaah, how long should I entertain? He replied: (three days, thereafter hospitality is charity, and a guest may not remain until his host is uncomfortable). He asked: O messenger of Allaah, what if I find a lost sheep? He replied: (it will belong either to you, your brother, or a wolf). He asked: what if I find a camel? He replied: (leave it so that it's owner may find it).

Ruwayfi' said: the delegation of Bala returned to my home as the messenger of Allaah (may Allaah send salutations upon him) arrived with dates, and he said: (seek the aid of dates). They remained for three days before bidding the messenger of Allaah (may Allaah send salutations upon him) farewell, and then they returned having received their rewards.

The Legal Implications Of This Story

The rights of a guest are three, namely those which must be observed, those which should be observed, and those which may be observed. As for

his rights which must be observed, he deserves twenty-four hours lodging, and the prophet (may Allaah send salutations upon him) has said: (he who believes in Allaah and the last day must honor the reward of his guest). Others asked: O messenger of Allaah, what is his reward? He replied: (twenty-four hours lodging, and a guest is entertained for three days. Hospitality which exceeds that period is charity, and a guest may not remain until his host is uncomfortable).

A lost sheep may be retained, and it may be kept if the owner does not surface. Consequently, some of our companions have deduced that it may be consumed immediately and that its value remains outstanding, and that it may be sold and that the price remains outstanding, and that it may be retained at the expense of the one who finds it. However, Ibn 'Aqeel has said: Aboo Taalib has narrated that Ahmad has said that the owner of a sheep must be sought for a year, though the first view is most accurate since it serves the interests of all parties concerned.

One may say: the view which you have chosen is at variance with the views of Ahmad and his companions as well as legal evidence.

Ahmad has said regarding a starving person who finds a slaughtered sheep and a dead sheep: he should eat the dead sheep. Consequently, a living sheep should be spared even moreso. As for the companions of Ahmad, their views have been addressed. As for legal evidence, 'Abdullaah Bin 'Amr asked: O messenger of Allaah, what about a lost sheep? He replied: (it will belong to you, your brother, or a wolf). He has also said: (return your brother's sheep). This prohibits the sale or slaughter of lost sheep.

Ahmad has only said that the owner should be sought. As for those who say that a lost sheep may be consumed, maintained, or sold, they maintain that the owner should be sought simultaneously and that the value of the sheep is outstanding.

As for legal evidence, where has it prohibited the sale or consumption of a lost sheep, and where has it enjoined that the owner be sought for a year at the expense of the one who has found the sheep?

As for camels, they may not be retained.

Chapter

The Arrival Of The Delegation Of Dhoo Marra

The delegation of Dhoo Marra which was lead by Al Haarith Bin 'Awf came to the messenger of Allaah (may Allaah send salutations upon him). They said: O messenger of Allaah, we are your tribe, we are the people of Lu'ay Bin Ghaalib. As a result, he smiled and asked Al Haarith: (where have you left your people) ? He replied: with our weapons. He asked: (how

is your land) ? He replied: beseech Allaah on our behalf. He said: (O Allaah, grant them rain).

They remained for a few days, and once they bid the messenger of Allaah (may Allaah send salutations upon him) farewell, he commanded Bilaal to give them ten awaaq of silver as a reward. However, he granted Al Haarith twelve awaaq of silver. Once they returned to their land, they discovered that it had rained after the messenger of Allaah (may Allaah send salutations upon him) supplicated on their behalf. Thereafter, their land was fertile.

Chapter

The Arrival Of The Delegation Of Khawlaan

The delegation of Khawlaan came to the messenger of Allaah (may Allaah send salutations upon him) in Sha'baan during the tenth year. They said: O messenger of Allaah, we have traveled a long distance in order to visit you, so he said: (as for your journey, each step which your camel has taken equals a good deed. As for your visit, those who visit me in Al Madeena will be beside me on the day of resurrection). He then asked: (what has Anas done) ? Anas was an idol which they used to worship. They replied: rejoice, for we have replaced it with Allaah. However, some of our elderly are still attached to it, though we will destroy it if Allaah has willed. It was indeed a tribulation for us. The messenger of Allaah (may Allaah send salutations upon him) asked: (what was the greatest trial which you have witnessed) ? They replied: we slaughtered 100 oxen before Anas as an act of devotion, and we left them for predators, though we needed them more.

They mentioned that they would reserve a portion of their produce and livestock for Anas and a portion for Allaah, thus the messenger of Allaah (may Allaah send salutations upon him) informed them that Allaah revealed the following as a result: **{they reserved for Allaah a portion of the produce and livestock which he created}** [Al An'aam/136].

﴿وَجَعَلُوا لِلَّهِ مِمَّا ذَرَأَ مِنَ الْحَرْثِ وَالْأَنْعَامِ نَصِيبًا﴾ [الأنعام:136]

They said: we would seek his judgement and he would speak to us, thus the messenger of Allaah (may Allaah send salutations upon him) said: (it was demons who were speaking to you). Thereafter, they questioned him concerning religious obligations, hence he obliged them to be faithful and just. Finally, they bid him farewell and returned to their people destroying Anas upon their arrival.

Chapter

The Arrival Of The Delegation Of Muhaarib

The delegation of Muhaarib came to the messenger of Allaah (may

Allaah send salutations upon him) during the year of the farewell pilgrimage, and they were his greatest adversaries during the days when he called the tribes to Allaah.

Ten representatives came to the messenger of Allaah (may Allaah send salutations upon him) and accepted Islaam. One of them said: O messenger of Allaah, out of all of my companions, I was your greatest adversary, and none of them was farther from Islaam than I. Consequently, I praise Allaah who spared my life so that I could believe in you. As for those who were with me, they died upon their religion. Thereafter, the messenger of Allaah (may Allaah send salutations upon him) said: (hearts are within the hand of Allaah the magnificent) , and the man said: O messenger of Allaah, seek forgiveness for me, and then the delegation of Muhaarib returned to their people.

Chapter

The Arrival Of The Delegation Of Sadaa

The delegation of Sadaa came to the messenger of Allaah (may Allaah send salutations upon him) once an army reached their locale in Yemen, and he dispatched this army upon his departure from Al Ji'raana. He placed Qays Bin Sa'd Bin 'Ubaada in command and gave him a white banner and a black flag, and he was joined by 400 believers. As a result, a man came to the messenger of Allaah (may Allaah send salutations upon him) and said: O messenger of Allaah, I have come to you as a delegate, so withdraw your army, and he did. Thereafter, fifteen men came to the messenger of Allaah (may Allaah send salutations upon him) , thus Sa'd Bin 'Ubaada said: O messenger of Allaah, allow them to stay with me, and he did. Consequently, Sa'd Bin 'Ubaada hosted them, then he brought them to the messenger of Allaah (may Allaah send salutations upon him) to pledge allegiance. Thereafter, they returned to their people and Islaam spread.

Al Waaqidee has mentioned that the messenger of Allaah (may Allaah send salutations upon him) met 100 of these men during the farewell pilgrimage, and he has also mentioned that it was Ziyaad Bin Al Haarith As Sadaa'ee who asked the messenger of Allaah (may Allaah send salutations upon him) to withdraw his army. In fact, he accompanied the messenger of Allaah (may Allaah send salutations upon him) during some of his journeys, and he has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) during a night journey. He has also said: some of his companions separated from him, though I remained close to him, and he said as dawn approached: (call to prayer O brother of Sadaa). I then called to prayer while mounted. Thereafter, he asked: (O brother of Sadaa, do you have any water with you) ? I replied: I have some in my container. He said: (bring it) , and I did. He then said: (pour it) , and I did. Thereafter, he placed

the palm of his hand upon the container, thus I saw water spring from between his fingers. He then performed ablution and said: (tell those who need to perform ablution to come forth). Afterward, Bilaal uttered the iqaama, so the messenger of Allaah (may Allaah send salutations upon him) said: (the brother of Sadaa has called to prayer, and one who utters the adhaan utters the iqaama). As a result, I uttered the iqaama and then the messenger of Allaah (may Allaah send salutations upon him) lead us in prayer.

I asked him to grant me authority in writing, and he did. Thereafter, a man raised a grievance concerning an authority figure, so he said: (authority is not good for a Muslim man). Afterward, a man rose and asked for charity, so he said: (Allaah does not allow prophets or angels to distribute charity. Rather, he has reserved it for eight types of people. If you are one of them, I will give it to you, though if you are not, you will become ill). Consequently, I said: O messenger of Allaah, take your two letters, so he asked: (why) ? I replied: I heard you say: (authority is not good for a Muslim man) , and I also heard you say: (if one asks for charity which he does not need, he will become ill). Thereafter, he accepted the letters and said: (bring me to one of your people so that I may place him in command) , and I did.

I said: we have a well which does not provide sufficient water during the summer, thus we have divided and are fearful since only a few of us are Muslim, so ask Allaah the magnificent to bless our well. Consequently, he said: (give me seven pebbles) , then he returned them and said: (once you reach the well, cast the pebbles one by one in the name of Allaah) , and I did. As a result, we have yet to reach the depth of the well.

Chapter

The Legal Import Of This Story

It is desirable that an army have a flag and a banner, and the flag may be black, though the banner should be white.

The report of an individual is acceptable, because the prophet (may Allaah send salutations upon him) withdrew the army based upon the statement of one man.

It is permissible to travel until dawn continuously.

One may call to prayer while mounted.

An imaam may seek water for ablution.

One may not perform tayammum until he has sought water.

The prophetic tradition entails that the one who utters the adhaan should utter the iqaama. However, one may utter the adhaan and another may utter the iqaama, because the prophet (may Allaah send salutations upon him) said to 'Abdullaah Bin Zayd: (allow Bilaal to utter the adhaan). Thereafter,

Bilal wished to utter the iqaama, so ‘Abdullaah Bin Zayd said: O messenger of Allaah (may Allaah send salutations upon him) , I wish to utter the iqaama. He said: (then do so) , and he did. Narrated by Ahmad.

An imaam may give authority to one who asks if he considers him qualified, and this does not contradict the following statement: (we do not give authority to those who ask) , because the one who sought authority in this case wished to command his people. In addition, they loved and obeyed him, and his objective was to invite them to Islaam. Consequently, the prophet (may Allaah send salutations upon him) realized that his people would benefit from his leadership, thus he conceded. Conversely, he did not concede when confronted by one who sought personal gain. As a result, he gave and withheld authority for the benefit of others, thus he acted for the sake of Allaah in both cases.

Grievances may be raised concerning unjust leadership.

It is better to avoid leadership.

If a man says that he deserves charity, he may receive it, provided that his appearance does not suggest otherwise.

An individual may be eligible to receive charity, because the prophet (may Allaah send salutations upon him) has said: (Allaah does not allow prophets or angels to distribute charity. Rather, he has reserved it for eight types of people. If you are one of them, I will give it to you...).

An imaam may consult his companions before appointing leadership.

Blessed water may be used for ablution, hence it is not disliked to perform ablution with zamzam water.

The Arrival Of The Delegation Of Ghassaan

The delegation of Ghassaan arrived in Ramadaan and accepted Islaam. They said: we do not know whether our people will follow us or not. They wish to maintain their dominion and proximity to Caesar.

The messenger of Allaah (may Allaah send salutations upon him) gave them their rewards and they returned to their people. However, they concealed their Islaam until two of them died. As for the third member of the delegation, he met ‘Umar Bin Al Khattaab during the year of Al Yarmook, and he also met Abou ‘Ubayda.

Chapter

The Arrival Of The Delegation Of Salaamaan

The delegation of Salaamaan came to the messenger of Allaah (may Allaah send salutations upon him) and accepted Islaam. Habeeb Bin ‘Amr has said: I asked: what is the greatest deed? The messenger of Allaah (may Allaah send salutations upon him) replied: (prayer on time). He then mentioned a lengthy prophetic tradition.

The delegation of Salaamaan performed the afternoon and late afternoon prayers with the messenger of Allaah (may Allaah send salutations upon him) , though the latter was not as lengthy as the former. Thereafter, they complained of drought, so he said: (O Allaah, give them rain). I said: O messenger of Allaah, it would be better if you raise your hands, so he smiled and raised his hands until I saw the whiteness of his armpits.

When we bid him farewell, he ordered that each of us receive five awaaq of silver, though Bilaal apologized informing us that no wealth was present that day. However, once we reached our land, we discovered that it had rained on the day in which the messenger of Allaah (may Allaah send salutations upon him) supplicated. Al Waaqidee has said: the delegation of Salaamaan arrived in Shawwaal during the tenth year.

Chapter

The Arrival Of The Delegation Of Banoo 'Abasa

The delegation of Banoo 'Abasa arrived and said: O messenger of Allaah (may Allaah send salutations upon him) , we have been informed that there is no Islaam for he who has not migrated, and we have wealth and livestock which are vital.

The messenger of Allaah (may Allaah send salutations upon him) asked them about Khaalid Bin Sinaan and said: (he is a prophet whose people have neglected him).

Chapter

The Arrival Of The Delegation Of Ghaamid

Al Waaqidee has said: the delegation of Ghaamid came to the messenger of Allaah (may Allaah send salutations upon him) during the tenth year.

He wrote laws for them and asked: (whom have you left with your riding animals) ? They replied: the youngest of us O messenger of Allaah. He said: (he has fallen asleep and a bag has been stolen). As a result, one of them said: O messenger of Allaah, I am the only one who has a bag, so the messenger of Allaah (may Allaah send salutations upon him) said: (it has been returned). Consequently, the people quickly returned to their riding animals and questioned their companion. He replied: I awoke to discover that the bag was gone, so I began searching for it at which point a man spotted me and fled. I went to where he was sitting and found that a hole had been dug, thus he hid the bag. Once I unearthed it, the people said: we declare that he is the messenger of Allaah (may Allaah send salutations upon him) , because he has informed us that the bag was stolen and returned.

Once they returned to the prophet (may Allaah send salutations upon him) , the youth whom they left with their riding animals accepted Islaam.

Thereafter, the prophet (may Allaah send salutations upon him) ordered Ubayy Bin Ka'b to teach them the Qur'aan, and they departed having received their rewards.

Chapter

The Arrival Of The Delegation Of Al Azad

Aboo Na'eem and Al Haafidh Aboo Moosa Al Madeeneeh have mentioned that Ahmad Bin Abee Al Hawaaree has said: I have heard Aboo Sulaymaan Ad Daaraanee say: 'Alqama Bin Yazeed Bin Saweed Al Azadee has said: my father has narrated that my grandfather Saweed Bin Al Haarith has said: seven of my people including myself came to the messenger of Allaah (may Allaah send salutations upon him) as delegates. He was impressed by our apparel, so he asked: (what are you) ? We replied: believers, so he smiled and said: (every statement has a reality, so what is the reality of your statement) ? We replied: fifteen articles, five of which your messengers have obliged us to believe in, five of which they have obliged us to implement, and five of which we adopted before Islaam. Consequently, the messenger of Allaah (may Allaah send salutations upon him) asked: (what are the five articles which my messengers commanded you to believe in) ? We replied: they commanded us to believe in Allaah, his angels, his books, his messengers, and the resurrection. He asked: (what are the five articles which they commanded you to implement) ? We replied: they commanded us to declare that there is no deity worthy of worship except Allaah, establish prayer, give obligatory charity, fast during Ramadaan, and perform pilgrimage if able. He asked: (what are the five articles which you adopted before Islaam) ? We replied: we are grateful in the face of adversity, patient during tribulation, pleased by the divine decree, truthful upon an encounter, and indifferent to the afflictions of our enemies. He said: (they are wise and learned and could nearly become prophets with their understanding). He also said: (I will give you five more articles which will equal twenty. Do not amass food which you will not eat, do not build what you will not inhabit, do not compete for what you will part with tomorrow, revere Allaah whom you will return to, and be desirous of your eternal abode). Thereafter, the people departed having memorized the counsel of the messenger of Allaah (may Allaah send salutations upon him).

Chapter

The Arrival Of The Delegation Of An Nakh'u

The delegation of An Nakh'u arrived on the fifteenth of Muharram during the eleventh year, and it was the last delegation to arrive. This delegation consisted of 200 men, and they came to the messenger of Allaah

(may Allaah send salutations upon him) having pledged allegiance before Mu'aadh Bin Jabl.

Chapter

His Guidance Concerning Correspondence

The messenger of Allaah (may Allaah send salutations upon him) wrote the following to Heracles: (in the name of Allaah, most gracious, most compassionate. From Muhammad the messenger of Allaah to the great Heracles of Rome. May peace be upon he who follows the guidance.

Accept Islaam and you will be safe, and Allaah will reward you twice. Otherwise, you will be sinful. **{say O people of the book, let us reach a point of agreement so that we will only worship Allaah and will not make lords of one another. If they desist, say declare that we are believers}** [Aalu 'Imraan/64].

﴿قُلْ يَا أَهْلَ الْكِتَابِ تَعَالَوْا إِلَى كَلِمَةٍ سَوَاءٍ بَيْنَنَا وَبَيْنَكُمْ أَلَّا نَعْبُدَ إِلَّا اللَّهَ وَلَا نُشْرِكَ بِهِ شَيْئًا وَلَا يَتَّخِذَ

بَعْضُنَا بَعْضًا أَرْبَابًا مِنْ دُونِ اللَّهِ فَإِنْ تَوَلَّوْا فَقُولُوا اشْهَدُوا بِأَنَّا مُسْلِمُونَ﴾ [آل عمران: 64]

Narrated by Al Bukhaaree and Muslim.

He wrote the following to Kisra: (in the name of Allaah, most gracious, most compassionate. From Muhammad the messenger of Allaah to the great Kisra of Persia. May peace be upon he who follows the guidance, believes in Allaah and his messenger, and declares that there is no deity worthy of worship except Allaah alone and that Muhammad is his slave and messenger. I am the messenger of Allaah who has been sent to warn all mankind. Accept Islaam and you will be safe. Otherwise, you will be sinful). Once this letter was read before Kisra, he tore it to shreds. As a result, the messenger of Allaah (may Allaah send salutations upon him) said: (may Allaah shred his dominion).

He wrote the following to An Najaashee: (in the name of Allaah, most gracious, most compassionate. From Muhammad the messenger of Allaah to An Najaashee the king of Ethiopia. Accept Islaam, for I praise Allaah who is the only deity worthy of worship. He is the king, the sanctified, the source of peace, the believer, and the protector. I declare that 'Eesa Bin Maryam is the soul of Allaah and his word which he bestowed upon Maryam. Allaah created him from his soul as he created Aadam with his hand. I call you to worship Allaah alone, to follow me, and to believe in what has come to me. I am the messenger of Allaah and I call you and your soldiers to Allaah the magnificent. I have conveyed the message and have advised you, so accept my counsel. May peace be upon he who accepts the guidance).

An Najaashee responded to the letter of the messenger of Allaah (may Allaah send salutations upon him) as follows: (in the name of Allaah, most

gracious, most compassionate. From An Najaashee to Muhammad the messenger of Allaah. May the peace, mercy, and blessings of Allaah be upon you O prophet of Allaah. Allaah is the only deity worthy of worship.

O messenger of Allaah, I have received your letter which you have written concerning 'Eesa. By the lord of heaven and earth, 'Eesa is exactly as you have described him. We are aware of what you have been sent with, and your cousin and his companions are near. I declare that you are the messenger of Allaah and pledge allegiance to you, and I pledged allegiance before your cousin after accepting Islaam from him.

An Najaashee died during the ninth year, and the messenger of Allaah (may Allaah send salutations upon him) lead the people in prayer on the day of his death.

I say: this is incorrect, and Allaah knows best. The narrator has failed to distinguish between An Najaashee who believed in the messenger of Allaah (may Allaah send salutations upon him) and An Najaashee whom he invited to Islaam in writing. The former and latter are two different people, and it has been stated in Saheeh Muslim that he corresponded with the latter and not the former.

Chapter

His Correspondence With The King Of Egypt

He wrote the following to the king of Egypt: (in the name of Allaah, most gracious, most compassionate. From Muhammad his slave and messenger to Al Maqooqas the great. May peace be upon he who follows the guidance.

Accept Islaam and you will be safe, and Allaah will reward you twice. Otherwise you will be sinful **{O people of the book, let us reach a point of agreement so that we will only worship Allaah and will not make lords of one another. If they desist, say declare that we are believers}** [Aalu 'Imraan/64].

﴿قُلْ يَا أَهْلَ الْكِتَابِ تَعَالَوْا إِلَى كَلِمَةٍ سَوَاءٍ بَيْنَنَا وَبَيْنَكُمْ أَلَّا نَعْبُدَ إِلَّا اللَّهَ وَلَا نُشْرِكَ بِهِ شَيْئًا وَلَا يَتَّخِذَ

بَعْضُنَا بَعْضًا أَرْبَابًا مِنْ دُونِ اللَّهِ فَإِنْ تَوَلَّوْا فَقُولُوا اشْهَدُوا بِأَنَّا مُسْلِمُونَ﴾ [آل عمران: 64]

Haatib Bin Abee Balta'a delivered the letter, and he said to the king: there was once a man who claimed to be the lord most high, thus Allaah punished him. As a result, you should consider others, though others should not consider you.

He said: we will only leave our religion for one which is better, so Haatib said: we invite you to the religion of Allaah which is Islaam. This prophet has called the people, and none were more relentless than the Quraysh and none were more antagonistic than the Jews. Conversely, none were nearer to

him than the Christians. The narrative of Moosa concerning ‘Eesa is like the narrative of ‘Eesa concerning Muhammad. Similarly, we invite you to the Qur’aan as you invite the people of the Tawraa to the Injeel. When a prophet would meet a people, they would become a part of his nation and would be obliged to follow him, and you are amongst those who have met our prophet. However, we do not forbid that you follow the religion of Al Maseeh. Rather, we command you to adhere to it.

Al Maqooqas said: I have investigated this prophet and have found that he does not enjoin what is disliked nor does he forbid what is preferred. It does not appear that he is a diviner, and his prophethood has become manifest. He then gave the letter of the prophet (may Allaah send salutations upon him) to a servant of his. Afterward, he called a scribe of his who wrote in Arabic and dictated the following: in the name of Allaah, most gracious, most compassionate. From Al Maqooqas the great to Muhammad Bin ‘Abdillaah. May peace be upon you.

I have read and understood your letter. I knew that a prophet remained, though I thought that he would emerge in Syria.

I have hosted your messenger, and I will send you two females slaves, fabric, and a mule. May peace be upon you.

However, he did not accept Islaam. As for the two female slaves, they were Maariya and Seereen. As for the mule, it lived until the time of Mu’aawiya.

Chapter

His Correspondence With Al Mundhir Bin Saawee

He wrote to Al Mundhir Bin Saawee, and Al Waaqidee has narrated that ‘Ikrima has said: I found this letter amongst the letters of Ibn ‘Abbaas after his death, so I copied it.

The messenger of Allaah (may Allaah send salutations upon him) sent Al ‘Alaa Bin Al Hadraamee to Al Mundhir Bin Saawee with a letter inviting him to Islaam, and he replied: O messenger of Allaah, I read your letter before the people of Bahrain and some of them accepted Islaam, though others did not. As a result, the messenger of Allaah (may Allaah send salutations upon him) replied: (in the name of Allaah, most gracious, most compassionate. From Muhammad the messenger of Allaah to Al Mundhir Bin Saawee. May peace be upon you. I praise Allaah who is the only deity worthy of worship, and I declare that there is no deity worthy of worship except Allaah and that Muhammad is his slave and messenger.

I seek to remind you of Allaah the magnificent, because one who gives advice benefits as well. Similarly, one who obeys my messengers obeys me, and one who advises them advises me).

Chapter

His Correspondence With The King Of Oman

He sent a letter to the king of Oman which was delivered by 'Amr Bin Al 'Aas.

He wrote: (in the name of Allaah, most gracious, most compassionate. From Muhammad Bin 'Abdillaah to Jeefar and 'Abdu Ibnay Al Jalanda. Peace be upon he who accepts the guidance.

Accept Islaam and you will be safe. I am the messenger of Allaah who has been sent to warn all mankind. If you do not accept Islaam, you will lose your dominion and my prophethood will prevail). This letter was written and stamped by Ubayy Bin Ka'b.

'Amr said: once I reached Oman, I said to a slave: I am the messenger of the messenger of Allaah (may Allaah send salutations upon him) , and I have been sent to you and your brother. He said: I will bring you to him so that he may read your letter, and what are you calling to? I replied: I invite you to worship Allaah alone and to declare that Muhammad is his slave and messenger. He said: O 'Amr, you are the son of a noble man, so tell me what your father has done, because he is an example for us. I said: he died without believing in Muhammad (may Allaah send salutations upon him) , though I wish that he accepted Islaam. I myself was like him until Allaah guided me.

I informed him that An Najaashee accepted Islaam, and he asked: how did the people react? I replied: they followed him. He said: consider what you are saying O 'Amr, because dishonesty is the worst trait which a man can have. I said: I have not lied, nor do we hold that lying is permissible.

A slave said: tell me what Muhammad enjoins and forbids. I said: he enjoins obedience and forbids disobedience. He enjoins righteousness and kinship and forbids oppression, fornication, intoxication, and idolotry. He said: this is wonderful, if my brother would agree with me, we could accept Islaam. However, he will not relinquish his dominion. I said: if he accepted Islaam, the messenger of Allaah (may Allaah send salutations upon him) would grant him dominion, and charity would be taken from the wealthy and given to the needy. He said: this is wonderful, though what is this charity? As a result, I informed him of the charity which the messenger of Allaah (may Allaah send salutations upon him) had imposed. He asked: O 'Amr, will charity be imposed upon their livestock? I replied: yes. He said: I do not feel that my people will comply.

One day, he called me and said: tell me what you need, so I handed him the letter of the prophet (may Allaah send salutations upon him). Once he read it, he handed it to his brother. He asked: will you not tell me what the Quraysh have done? I replied: they have followed the prophet (may Allaah

send salutations upon him) willingly and unwillingly. He asked: who is with him? I replied: people who realize that they were misguided. Accept Islaam and you will be safe, and the prophet (may Allaah send salutations upon him) will place you in command of your people. He said: return to me tomorrow, so I returned to his brother. The next day, both of them accepted Islaam, and they became my allies.

Chapter

His Correspondence With Hoodha Bin 'Alee

The prophet (may Allaah send salutations upon him) wrote to Hoodha Bin 'Alee and his letter was delivered by Saleet Bin 'Amr Al 'Aamiree. He wrote: (in the name of Allaah, most gracious, most compassionate. From Muhammad the messenger of Allaah to Hooda Bin 'Alee. May peace be upon he who accepts the guidance. Be advised that my religion will prevail, so accept Islaam and you will be safe).

Once Saleet Bin 'Amr Al 'Aamiree read the letter of the prophet (may Allaah send salutations upon him) , Hoodha Bin 'Alee responded as follows: what you advocate is wonderful. The Arabs hold me in high esteem, so grant me authority and I will follow you. Thereafter, he rewarded Saleet Bin 'Amr Al 'Aamiree with fine fabric which he brought to the prophet (may Allaah send salutations upon him).

Once the messenger of Allaah (may Allaah send salutations upon him) conquered Makka, Jibreel informed him that Hoodha Bin 'Alee had died, so he said: (a liar will emerge in Al Yamaama, and he will be killed after my death). Someone asked: O messenger of Allaah, who will kill him? He replied: (you and your companions) , and he was correct.

Al Waaqidee has mentioned that a great Christian of Damascus asked Hoodha Bin 'Alee about the prophet (may Allaah send salutations upon him) , and he replied: I received a letter from him in which he invited me to Islaam, though I did not respond. He asked: why not? He replied: I will lose my dominion if I follow him. He said: on the contrary. By Allaah, if you follow him, he shall grant you dominion. He is indeed the Arab prophet whom 'Eesa Bin Maryam has spoken of, and he is mentioned in the Injeel.

Chapter

His Correspondence With Al Haarith Bin Abee Shamr Al Ghassaanee

He wrote a letter to Al Haarith Bin Abee Shamr Al Ghassaanee which was delivered by Shujaa' Bin Wahb. The letter read: (in the name of Allaah, most gracious, most compassionate. From Muhammad the messenger of Allaah to Al Haarith Bin Abee Shamr. May peace be upon he who accepts the guidance, believes in Allaah, and speaks the truth. I call you to believe in Allaah alone).

We have mentioned his guidance concerning jihaad and correspondence, and we will now mention his guidance concerning medicine.

Chapter

Prophetic Medicine

We will expound upon the wisdom of prophetic medicine which most physicians are unable to attain, and we will illustrate how their medicine is ineffective by comparison.

Ailments are of two types: ailments of the heart and ailments of the body, and both of which are mentioned in the Qur'aan.

Ailments of the heart are of two types: the illness of scepticism and the illness of desire, and both of which are mentioned in the Qur'aan. The most high has said concerning the illness of scepticism: **{their hearts are ill, thus Allaah increased their sickness}** [Al Baqara/10].

﴿فِي قُلُوبِهِمْ مَّرَضٌ فَزَادَهُمُ اللَّهُ مَرَضًا وَلَهُمْ عَذَابٌ أَلِيمٌ بِمَا كَانُوا يَكْذِبُونَ﴾ [البقرة: 10]

The most high has said concerning those who refuse to judge according to the Qur'aan and prophetic tradition: **{when the decision of Allaah and his messenger is mentioned to them, a segment of them resist. However, they submit when it is in their favor. Are their hearts ill, are they sceptical, or do they fear that Allaah and his messenger will judge them unfairly. Rather, it is they who are unjust}** [An Noor/48-50].

﴿وَإِذَا دُعُوا إِلَى اللَّهِ وَرَسُولِهِ لِيَحْكُمَ بَيْنَهُمْ إِذَا فَرِيقٌ مِنْهُمْ مُعْرِضُونَ﴾ (١٨) ﴿وَأَن يَكُنْ لَهُمُ الْخُفْيَةُ يَا تَاوُوا إِلَيْهِ مُذْعِنِينَ﴾ (٢١) أَفَى

﴿قُلُوبِهِمْ مَّرَضٌ أَمْ آتَاوْا أَمْ يَخَافُونَ أَن يَحِيفَ اللَّهُ عَلَيْهِمْ وَرَسُولُهُ ۚ بَلْ أُولَٰئِكَ هُمُ الظَّالِمُونَ﴾ [النور: 48-50]

This is the illness of scepticism.

As for the illness of desire, the most high has said: **{O wives of the prophet, you will not be like any other women if you are reverent. Consequently, you must not speak gently lest one whose heart is ill become desirous}** [Al Ahzaab/32].

﴿يَا نِسَاءَ النَّبِيِّ لَسْتُنَّ كَأَحَدٍ مِنَ النِّسَاءِ إِنِ اتَّبَعْتُنَّ فَلَا تَحْضَعْنَ بِالْقَوْلِ يُطْمَعِ الَّذِي فِي قَلْبِهِ مَرَضٌ وَقُلْنَ قَوْلًا

مَعْرُوفًا﴾ [الأحزاب: 32]

This is the illness of desire, and Allaah knows best.

Chapter

Physical Ailments

As for physical ailments, the most high has said: **{the blind, ill, and disabled are not sinful}** [An Noor/61].

﴿لَيْسَ عَلَى الْأَعْمَى حَرَجٌ وَلَا عَلَى الْأَعْرَجِ حَرَجٌ وَلَا عَلَى الْمَرِيضِ﴾ [النور: 61]

He mentioned physical ailments in relation to ablution, fasting, and

pilgrimage due to a secret which reveals the greatness of the Qur'aan. In actuality, this secret is sufficient when understood, namely it is the maxim that the fundamentals of medicine are three: the preservation of health, avoiding what is harmful, and the expulsion of harmful substances.

He has said in the verse of fasting: **{if any of you are ill or en route, then you may defer your fast}** [Al Baqara/184].

﴿فَمَنْ كَانَ مِنْكُمْ مَّرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ﴾ [البقرة: 184]

He has allowed one who is ill or en route to break fast in order to preserve his health.

He has said in the verse of pilgrimage: **{if any of you are ill or suffer a head ailment, then you must fast, sacrifice, or give charity}** [Al Baqara/196].

﴿فَمَنْ كَانَ مِنْكُمْ مَّرِيضًا أَوْ بِهِ أَذًى مِنْ رَأْسِهِ فَفِدْيَةٌ مِنْ صِيَامٍ أَوْ صَدَقَةٍ أَوْ نُسُكٍ﴾ [البقرة: 196]

He has allowed one who is ill or suffering a head ailment to shave his head during ihraam to rid himself of harmful substances.

Other types of expulsion which discharge harmful substances are analagous, and there are ten entities which are harmful when contained :

blood which is turbulent
sperm which is turbulent
urine
excrement
gas
vomit
yawning
sleep
hunger
thirst

Each of these entities when withheld produces illness.

As for avoiding what is harmful, the most high has said in the verse of ablution: **{if you are ill, en route, have answered a call of nature, or have touched women and cannot find water, then seek pure and unadulterated earth}** [An Nisaa/43].

﴿وَإِنْ كُنْتُمْ مَرَجًا أَوْ عَلَى سَفَرٍ أَوْ جَاءَ أَحَدٌ مِنْكُم مِّنَ الْغَائِطِ أَوْ لَمَسْتُمُ النِّسَاءَ فَلَمْ يَجِدُوا مَاءً فَتَيَمَّمُوا

صَعِيدًا طَيِّبًا﴾ [النساء: 43]

He has allowed one who is ill to use dust instead of water as a protection, and this indicates that one should avoid harmful entities be they external or internal. As a result, the glorified has guided his slaves to the fundamentals of medicine, and we will mention the guidance of the messenger of Allaah (may Allaah send salutations upon him) in this regard while illustrating that it is most comprehensive.

As for spiritual medicine, it is only received from the messengers, and a heart cannot become well until it is acquainted with Allaah and mindful of his pleasure. Consequently, it is erroneous to think that a sound heart is attainable without following the messengers, thus one is spiritually dead and submerged in darkness if he does not distinguish between the former and latter.

Chapter

Various Forms Of Physical Medicine

Physical medicine is of two types: one type does not require a physician, i. e. the treatment of thirst, hunger, fatigue, and coldness. Whereas, the other type requires contemplation, i. e. the treatment of ailments which produce an excessive amount of heat, coldness, dryness, and moisture.

The body experiences three conditions: normality, abnormality, and an intermediate state. In the first instance, the body is well. In the second instance, the body is ill. In the third instance, the body is neither well nor ill.

The source of abnormality may be internal since the body is composed of heat, coldness, dryness, and moisture. However, it may be external since the body makes contact with entities which are at times disagreeable. As for illness, it is the result of imbalance, malfunction, and weakness.

Chapter

His Guidance Concerning Treatment

He treated himself and commanded others to seek treatment. However, he nor his companions employed Greek and Roman medicine. Rather, they employed Indian medicine like most nations.

Physicians agree that medicine should not be employed as a treatment if nutrition can be employed instead. They say: if an ailment can be offset through nutrition and prevention, medicine should not be employed.

Secular medicine is to divine revelation what secular knowledge is to prophetic knowledge. In fact, there are effective spiritual medications which have not been discovered by the greatest of physicians, and their efficacy is known to nations of various faiths.

We have a great deal of experience in this regard and have seen spiritual medicine do what conventional medicine could not. In reality, the medicine of a heart which is connected to the creator of ailments and cures differs from the medicine of a heart which is detached from him. In addition, it is known that if a soul becomes strong, it can unite with nature to combat illness. Consequently, it cannot be denied that a soul which is united with Allaah is most effective in this regard, thus only one who is completely ignorant and far from Allaah believes otherwise.

We will mention how a sting was treated with the recitation of Al Faatiha if Allaah has willed, and we will discuss two forms of prophetic medicine with his assistance.

Chapter

There Is A Cure For Every Ailment

Jaabir Bin ‘Abdillaah has narrated that the prophet (may Allaah send salutations upon him) has said: (there is a cure for every ailment). Narrated by Muslim.

Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (Allaah has not created an ailment without creating a cure). Narrated by Al Bukhaaree and Muslim.

Usaama Bin Shareek has said: I was with the prophet (may Allaah send salutations upon him) when some Arabs asked: O messenger of Allaah, should we use medicine? He replied: (yes O slaves of Allaah. Use medicine, for Allaah the magnificent has created a cure for all ailments except one). They asked: what is it? He replied: (senility). Narrated by Ahmad.

He has also said: (whether you know it or not, Allaah has not created an ailment without creating a cure).

Ibn Mas’ood has narrated that the prophet (may Allaah send salutations upon him) has said: (whether you know it or not, Allaah the magnificent has not created an ailment without creating a cure). Narrated by Ahmad.

It has been narrated that Aboo Khuzaama has said: I said: O messenger of Allaah, could medicine, reverence, or an incantation offset the decree of Allaah? He replied: (they are a part of his decree). Narrated by Ahmad and Ibn Maajah

These prophetic traditions confirm cause and effect, thus they refute those who deny the former and latter. As for his statement: (there is a cure for every ailment) , it could include fatal illnesses which physicians are unable to cure. It could also be said that Allaah has created cures for these illnesses which he has not disclosed, because one only knows what Allaah has taught him. For this reason, the prophet (may Allaah send salutations upon him) stipulated that ailments and cures converge in order for healing to occur, because every malady has an opposing remedy.

It could be said that Allaah has not created a treatable illness without creating a cure. Similary, he has said concerning the wind which destroyed the people of ‘Aad: **{it destroyed everything by the command of it’s lord}** [Al Ahqaaf/25].

﴿تُدْمِرُ كُلَّ شَيْءٍ بِأَمْرِ رَبِّهَا﴾ [الأحقاف: 25]

I. e. everything which a wind could destroy.

If one were to examine opposites and how they conflict, the power and wisdom of Allaah the most high would become clear to him.

Prophetic traditions indicate that treatment is obligatory and does not contradict reliance upon Allaah. Similarly, it does not contradict reliance

upon Allaah to combat ailments such as thirst, hunger, coldness, and heat. In fact, one cannot attain the reality of monotheism without pursuing means which Allaah has put in place.

Reliance upon Allaah can only be attained by one whose heart is dependent upon him as he pursues worldly and religious interests. However, he must pursue means which Allaah has put in place, thus inability should not be reliance and reliance should not be inability.

The statement of the prophet (may Allaah send salutations upon him) refutes those who say: if recovery has been decreed, then it is useless to take medicine. Similarly, the Arabs asked the messenger of Allaah (may Allaah send salutations upon him) how an illness could be cured when it was decreed by Allaah. As for the companions, their knowledge of Allaah prevented them from asking such a question. In any event, the prophet (may Allaah send salutations upon him) responded by saying: medicine, incantations, and reverence are a part of the decree of Allaah, thus nothing escapes his decree. Rather, his decree is offset by his decree.

The following should said to one who poses the previous question: consequently, you cannot pursue means which will enable you to benefit, because you will inevitably benefit if Allaah has decreed, otherwise you will not. In reality, the previous question is posed by one who rejects the truth. When a person of this nature mentions the decree of Allaah, he does so to vindicate himself. He resembles the polytheists who said: **{had Allaah willed, we nor our fathers would have been polytheists}** [Al An'aam/148].

﴿لَوْ شَاءَ اللَّهُ مَا أَشْرَكْنَا وَلَا آبَاؤُنَا﴾ [الأنعام: 148]

{Had Allaah willed, we nor our fathers would have worshipped anything other than Allaah} [An Nahl/35].

﴿لَوْ شَاءَ اللَّهُ مَا عَبْدْنَا مِنْ دُونِهِ مِنْ شَيْءٍ وَنَحْنُ وَلَا آبَاؤُنَا﴾ [النحل: 35]

The following should be said to one who poses the previous question: you have neglected to mention that Allaah has decreed that events occur due to various causes, so if you pursue them, you will achieve the effect. Consequently, he may say: if Allaah has decreed that I pursue these causes, I will. Otherwise, I will not. In this case, one should ask: would you accept this response from your son, slave, or employee if he defied your command? If you would, then do not blame one who disobeys you and violates your rights. However, if you would not, then your response could not be accepted when violating the rights of Allaah.

It has been narrated that Ibraaheem Al Khaleel asked: O lord, who has illness come from? He replied: from me. He asked: who has the cure come from? He replied: from me. He asked: what is the role of a physician? He

replied: he is a man who receives the cure.

His statement: (there is a cure for every ailment) strengthens the resolve of the patient and the physician, and it encourages the latter to search for a remedy. Meanwhile, the former becomes hopeful and his soul becomes strong, thus it combats his illness.

Physical ailments are akin to spiritual ailments, and Allaah has not created a spiritual ailment without creating a cure which is contrary. As a result, if one who is ill is aware of this remedy and employs it, he will recover once the ailment and cure converge with the permission of Allaah the most high.

Chapter

His Rule Which Must Be Observed When Eating And Drinking

It has been narrated that he has said: (the most evil container which a man fills is his stomach. He only needs a few morsels to maintain his posture. Otherwise, he should reserve 1/3 for food, 1/3 for drink, and 1/3 for breathing).

Ailments are of two types: one results from:

overeating

not allowing food to digest

consuming foods which lack nutrition and do not digest well

consuming a large amount of foods whose composition varies

The stages of eating are three:

necessity

sufficiency

excess

Consequently, the prophet (may Allaah send salutations upon him) stated that a few morsels are sufficient to maintain posture, and that one should reserve 1/3 of his stomach for food, 1/3 for drink, and 1/3 for breathing. This is best for the body, because if one overeats and then drinks, he will have difficulty breathing. Thereafter, he will become weary and obedience will become burdensome. Consequently, overeating is detrimental to ones physical and spiritual health. However, this does not apply to one who overeats on occasion, because Aboo Hurayra once drank until he was full while accompanying the prophet (may Allaah send salutations upon him) , and the companions ate until they were full numerous times while amongst him.

Since man is composed of water, earth, and air, the prophet (may Allaah send salutations upon him) divided his eating, drinking, and breathing into three portions.

One may ask: what about fire? One should respond by saying: physicians

have said: the body is composed of fire, though other physicians have said: the body is not composed of fire, and they have argued as follows:

Allaah the glorified and most high has mentioned the creation of man throughout his book. He has stated that he has created him from water, he has stated that he has created him from dust, he has stated that he has created him from both the former and latter, and he has stated that he has created him from clay. However, he has not stated that he has created from fire. Rather, he has given Iblees this distinct characteristic.

The prophet (may Allaah send salutations upon him) has said: (angels have been created from light, demons have been created from fire, and what Aadam has been created from has been described to you). Narrated by Muslim. This states that he was only created from what Allaah has described in his book, and he has not informed us that he created him from fire, or that he was partially composed of fire.

Chapter

His Guidance Concerning Treatment

He used three types of medicine:

natural medicine

divine medicine

medicine which is both natural and divine

We will begin by mentioning natural medicine, and then divine medicine, and finally medicine which is both natural and divine.

The messenger of Allaah (may Allaah send salutations upon him) was sent as a guide to paradise. He commanded his nation to pursue the pleasure of Allaah and to avoid his displeasure. He told stories of the prophets, the messengers, and the beginning and the end.

As for the body, it is only treated when necessary. Otherwise, emphasis is placed upon the heart and soul, because it is useless to treat the former without treating the latter. In fact, when hearts are well, physical ailments give way and perpetual well being ensues, and success lies with Allaah.

Natural Medicine

Chapter

How He Treated The Fever

Ibn 'Umar has narrated that the prophet (may Allaah send salutations upon him) has said: (the fever is caused by the heat of the hellfire, so reduce it with water). Narrated by Al Bukhaaree and Muslim.

Many ignorant physicians have been lead to believe that this prophetic tradition is at variance in terms of treatment. However, we will provide clarification with the aid of Allaah. A prophetic address is of two types: one is directed to all while the other is directed to some. The vast majority of his

speech was directed to all, though it was occasionally directed to some such as the following statement: (do not face the qibla or turn your backs to it while urinating or defecating). This address was not directed to the people of the east, the west, or Iraq. Rather, it was directed to the people of Al Madeena and those parallel with them such as the Syrians.

As a result, his address was directed to the people of the Hijaaz since the fever which they suffered from was usually the result of extreme heat. Consequently, cool water was effective, because the fever is an odd form of heat which develops in the heart and spreads impairing bodily functions.

He has said: (the fever is caused by the heat of the hellfire). Similarly, he has said: (extreme heat is caused by the heat of the hellfire).

He has said: (so reduce it with water). Some have said that this refers to all types of water, and this is correct. However, others have said that this refers only to zamzam water, and they have relied upon the narration of Aboo Jamra Nasr Bin 'Imraan Ad Dab'ee who has said: I was in Makka with Ibn 'Abbaas when I became ill with the fever, so he said: reduce the heat with zamzam water, because the messenger of Allaah (may Allaah send salutations upon him) has said: (the fever is caused by the heat of the hellfire, so reduce it with water) or (with zamzam water). The narrator was uncertain, otherwise this injunction would apply to the people of Makka since zamzam water was easily accessible to them, and it would oblige other people to use the water which was available to them.

As for those who maintain that the previous prophetic tradition is general, some say that water should be given as a charity. However, the truth of the matter is that water should be used to reduce the fever. I believe that some have adopted the former view due to an inability to comprehend how cool water could be used for such a purpose. Nevertheless, a deed and the recompense which follows are of the same nature, so if one were to extinguish the thirst of another, Allaah would extinguish his fever as a reward, though this is an inference. Whereas, the intent of the prophet (may Allaah send salutations upon him) was that water should be used to reduce the fever.

Samura has narrated that the prophet (may Allaah send salutations upon him) has said: (the fever is a part of the fire, so treat it with cool water). Narrated by Ahmad.

When the messenger of Allaah (may Allaah send salutations upon him) suffered from the fever, he would bathe with cool water.

Aboo Hurayra has said: a man cursed the fever, so the messenger of Allaah (may Allaah send salutations upon him) said: (do not curse the fever, because it removes sins in the same way that fire refines metal). Narrated by Muslim.

The fever purifies the body since it causes one to avoid foods which are not nutritious. Consequently, it purifies the body in the same way that fire

refines metal, and conventional physicians are aware of this.

The fever also purifies the heart, and spiritual physicians are aware of this, because their prophet the messenger of Allaah (may Allaah send salutations upon him) has informed them of this. However, this treatment cannot cure a heart whose recovery is unlikely.

As a result, the fever benefits the heart as well as the entire body, thus it is unjust to curse whatever is similar.

The following has been narrated: (a one day fever is a one year expiation). It has been said that the fever permeates the 360 joints of the body, thus it expiates a year of sin. It has also been said that traces of the fever remain for a year. Similarly, the prophet (may Allaah send salutations upon him) has said: (if one consumes an intoxicating drink, his prayer will be rejected for forty days). The traces of an intoxicating drink remain within the body for forty days, and Allaah knows best.

Aboo Hurayra has said: the fever is dearest to me, because it permeates my body, thus Allaah the glorified rewards each of my limbs.

Raafi' Bin Khadeej has narrated that the prophet (may Allaah send salutations upon him) has said: (if you suffer from the fever, it is a part of the fire, so extinguish it with cool water. Afterward, stand before a river between dawn and sunrise and say: in the name of Allaah. O Allaah, heal your slave and confirm your messenger.

Submerge yourself three times over a three day period. If you do not recover, then do so over a five day period. If you have not recovered, then submerge yourself over a seven day period. If you remain ill, submerge yourself over a nine day period, because your ailment will not exceed nine days with the permission of Allaah). Narrated by At Tirmidhee.

Chapter

His Guidance Concerning The Treatment Of Stomach Ailments

Aboo Sa'eed Al Khudree has narrated that a man came to the prophet (may Allaah send salutations upon him) and said: my brother is suffering from a stomach ailment. As a result, he said: (give him honey). He then returned and said: I gave him honey, though it was useless, and he repeated himself. However, the prophet (may Allaah send salutations upon him) continued to say: (give him honey), and he finally said: (Allaah has spoken the truth and the stomach of your brother has lied). Narrated by Al Bukhaaree and Muslim.

Honey is a sweet and nutritious medicine, thus it is incomparable. In fact, there was no substitute for honey at one point in time, because sugar is modern.

The prophet (may Allaah send salutations upon him) would consume

water and honey on an empty stomach, and only the exceptional know the secret of this. However, we will mention it while discussing the preservation of health if Allaah has willed.

Aboo Hurayra has narrated that the prophet (may Allaah send salutations upon him) has said: (there are two remedies which are vital: honey and the Qur'aan). As a result, he combined medicines which are divine and conventional, spiritual and physical, and heavenly and earthly.

The stomach ailment of the one whom the prophet (may Allaah send salutations upon) prescribed honey for was caused by constipation. Consequently, he ordered him to consume honey since it is a laxative. In fact, honey is one of the best treatments for constipation, especially if it is mixed with hot water.

The secret of repeat consumption is that a medicine must be commensurate with an illness in terms of quantity, thus if an insufficient amount of medicine is taken, complete recovery will not be achieved. Whereas, if an excessive amount of medicine is taken, the body will become weak. Consequently, when the prophet (may Allaah send salutations upon him) became aware that his prescription was inadequate, he urged the brother of the patient to return so that he could reach the proper dosage, and this is how the patient recovered with the permission of Allaah. As for the maxim which states that a medicine must be commensurate with an illness in terms of quantity, it is one of the most essential precepts of medicine.

The prophet (may Allaah send salutations upon him) said: (Allaah has spoken the truth and the stomach of your brother has lied). This indicates that the medicine was effective and that the patient remained ill due to severe constipation, thus the prophet (may Allaah send salutations upon him) ordered repeat consumption.

Prophetic medicine is unlike conventional medicine, because the former is the product of divine revelation and intellect. Whereas, the latter is mainly the result of trial and conjecture. However, there is no denying that prophetic medicine is oft times ineffective, because it only benefits one who readily accepts it. Consequently, the Qur'aan only increases the illness of the hypocrites, thus it only befits good souls and lively hearts. In conclusion, some people have an aversion to prophetic medicine, though this does not mean that it is ineffective. Rather, they are ill-natured.

Chapter

People have differed concerning the meaning of the following verse: **{it's stomach secretes a liquid of varying colors, and it contains a remedy}** [An Nahl/69].

﴿يَخْرُجُ مِنْ بُطُونِهَا شَرَابٌ مُخْتَلِفٌ أَلْوَانُهُ فِيهِ شِفَاءٌ لِلنَّاسِ﴾ [النحل: 69]

Does the Qur'aan or the liquid contain the remedy? The truth of the matter is that the liquid contains the remedy, and this has been said by:

Ibn Mas'ood

Ibn 'Abbaas

Al Hassan

Qataada

In fact, this is the majority opinion, because it was the liquid and not the Qur'aan which was mentioned in the verse. In addition, when the prophet (may Allaah send salutations upon him) said: (Allaah has spoken the truth...) , he was speaking about honey, and Allaah the most high knows best.

Chapter

His Guidance Concerning The Plague

'Aaamir Bin Sa'd Bin Abee Waqqaas has narrated that he heard his father ask Usaama Bin Zayd: what have you heard the messenger of Allaah (may Allaah send salutations upon him) say concerning the plague? Usaama replied: the messenger of Allaah (may Allaah send salutations upon him) has said: (the plague is a punishment which befell the children of Israel and those before them, so if you hear that it has reached a locale, do not go there. However, if it has reached the locale in which you reside, do not evacuate). Narrated by Al Bukhaaree and Muslim.

Hafsa Bint Seereen has said: Anas Bin Maalik has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (the plague is martyrdom for all believers). Narrated by Al Bukhaaree and Muslim.

The plague is an infectious disease as the author of As Sihaah has said, though physicians have said that it is severe inflammation which is fatal and usually causes surrounding areas to become black or green. Shortly thereafter, wounds develop. The plague commonly appears: inside the armpits, behind the ears, and upon soft flesh.

Wounds and inflammation are the side effects of the plague and not the plague itself. However, since physicians only discovered the side effects of the plague, they declared the side effects the plague itself.

When the prophet (may Allaah send salutations upon him) said: (the plague is martyrdom for all believers) , his intent was death.

As for the cause of the plague, he has said: (it is a part of the punishment which befell the children of Israel).

Physicians are unable to corroborate or repudiate these causes, and it cannot be denied that souls were pivotal in this regard.

Chapter

When the prophet (may Allaah send salutations upon him) commanded

that one avoid the plague while forbidding him to flee from it, he developed a comprehensive safety measure. Namely, if one were to go to a locale which the plague has reached, he would endanger his life, and this contradicts law and intellect.

He forbade that one flee from the plague so that souls would trust in Allaah and be pleased with his decree.

Physicians have said: it is essential that one remain sedentary during the plague, though it is impossible to evacuate without excessive movement which is extremely harmful. This has been said by one of the greatest contemporary physicians, thus the medical import of the preceding prophetic tradition is evident.

One may say: the messenger of Allaah (may Allaah send salutations upon him) has said: (do not evacuate) , thus his statement disproves your definition, and it does not prevent one from departing if the need arises, nor does it confine a traveler.

No one has ever said that people should become like inanimate objects during the plague. Rather, one should be as inactive as possible, and this is more beneficial and closer to submission. As for those who must remain active such as workers and travelers, it is not said to them: be completely inactive. However, they have been obliged to avoid unnecessary movement.

The injunction to avoid a locale which the plague has reached reflects the following wisdom:

One should avoid what is potentially harmful.

One should not breathe air which is contaminated.

One should avoid those who are ill.

Overall, the injunction to avoid a locale which the plague has reached entails precaution, and the injunction to remain within a locale that the plague has reached entails reliance upon Allaah.

It has been narrated that 'Umar Bin Al Khattaab met Aboo 'Ubayda Bin Al Jarraah and his companions while traveling to Syria. When they informed him that the plague had reached Syria, a discrepancy arose. As a result, he said to Ibn 'Abbaas: call the muhaajiroon, and he did. Thereafter, he consulted them. Some of them said: you have left for a purpose, thus we do not feel that you should return. Others said: the companions of the messenger of Allaah (may Allaah send salutations upon him) are with you, thus we do not feel that you should subject them to the plague.

He said to Aboo 'Ubayda Bin Al Jarraah: call the ansaar, and he did. Thereafter, he consulted them, though they disagreed like the muhaajiroon. He then said to Aboo 'Ubayda Bin Al Jarraah: call the elders of the Quraysh, and he did. They said: we feel that you should subject the people to the plague.

Aboo 'Ubayda Bin Al Jarraah asked: O commander of the believers, are

we fleeing from the decree of Allaah the most high? He replied: yes, though we are fleeing from one decree to another. If you and your camel settled in a valley which was fertile and barren, you would have done so due to the decree of Allaah the most high regardless of which area you chose.

‘Abdur Rahmaan Bin ‘Awf arrived and said: I have heard the messenger of Allaah (may Allaah send salutations upon him) say: (if the plague has reached your locale, do not evacuate, and if it has reached another locale, do not go there). Narrated by Al Bukhaaree and Muslim.

Chapter

His Guidance Concerning The Treatment Of Al Istisqaa

Anas Bin Maalik has said: a group from ‘Urayna came to the prophet (may Allaah send salutations upon him) and complained of an ailment, so he said: (you should go to the camels which have been collected for charity and drink their milk and urine). Narrated by Al Bukhaaree and Muslim.

Once they recovered, they killed a group of herders and stole their camels waging war against Allaah and his messenger. Consequently, their hands and feet were severed, their eyes were gauged out, and they were left in the sun until they died.

The author of Al Qaanoon has said: no consideration should be given to those who say that milk should not be used to treat Al Istisqaa. You must know that camel’s milk is highly beneficial, thus if it were consumed exclusively, recovery would ensue. In fact, this treatment was employed when a group of patients reached the Arab world, and it was effective. As for urine, the most beneficial type is produced by the desert camel.

This story proves that treatment should be employed and that the urine of animals whose flesh is consumed is pure, because medicines which contain unlawful substances are impermissible. In addition, those who were treated were not ordered to rinse their mouths and garments for prayer, even though they had recently accepted Islaam, and instruction cannot be delayed once it is needed.

Crime and punishment should be similar, because those who came to the prophet (may Allaah send salutations upon him) killed herders and gauged their eyes out.

Punishment and retribution may merge, because the prophet (may Allaah send salutations upon him) severed the hands and feet of those who came to him since they committed an act of aggression, and he killed them since they killed the herders.

If one steals wealth and commits murder, his hands and feet are severed and he is killed.

If one commits various crimes, his punishment is severe, because those who came to the prophet (may Allaah send salutations upon him) committed apostacy, murder, and theft.

Chapter

His Guidance Concerning Wounds And Nasal Bleeding

It has been narrated that Aboo Haazim heard Sahl Bin Sa'd being questioned concerning the medicine which was used to treat the wound of the messenger of Allaah (may Allaah send salutations upon him) on the day of Uhud. He replied: his face was lacerated, his tooth was broken, and his helmet was shattered. Faatima the daughter of the messenger of Allaah (may Allaah send salutations upon him) wiped the blood away and 'Alee Bin Abee Taalib provided water.

Once Faatima realized that blood was only accumulating, she took a piece of fiber and burned it until it was charred. She then applied it to the wound and it absorbed the blood. Narrated by Al Bukhaaree and Muslim.

Charred fiber also stops nasal bleeding.

Chapter

His Guidance Concerning Honey, Cupping, And Cauterization

Ibn 'Abbaas has narrated that the prophet (may Allaah send salutations upon him) has said: (a remedy can be found within: honey, cupping, and cauterization. However, I prohibit cauterization). Narrated by Al Bukhaaree.

He has said: (However, I prohibit cauterization) (I do not prefer cauterization). This indicates that one should only employ cauterization as a last result, because it is extremely painful.

If an ailment is hot, we treat it with blood letting or cupping, and if an ailment is cold, we treat it with honey.

Chapter

Cupping

Katheer Bin Saleem has said: I have heard Anas Bin Maalik say: the messenger of Allaah (may Allaah send salutations upon him) has said: (whenever I passed a group during the night journey, they would say: O Muhammad, order your nation to perform cupping). Narrated by Ibn Maajah.

Ibn 'Abbaas has narrated that the prophet (may Allaah send salutations upon him) payed for cupping. Narrated by Al Bukhaaree and Muslim.

Anas has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (the best medicine which you could use is cupping). Narrated by Al Bukhaaree and Muslim.

It has been narrated that 'Abbaad Bin Mansoor has said: I have heard 'Ikrima say: Ibn 'Abbaas has said: the prophet (may Allaah send salutations upon him) has said: (one who performs cupping is a fine slave. He draws

blood and improves posture and vision). He said: whenever the messenger of Allaah (may Allaah send salutations upon him) passed a group of angels during the night journey, they would say: you must cup.

Chapter

The Benefits Of Cupping

As for the benefits of cupping, it cleanses the surface more than blood letting. Whereas, blood letting cleanses the interior more than cupping.

Analysis reveals that cupping and blood letting differ in terms of time, place, age, and temperament. As a result, cupping is far more beneficial than blood letting for one who lives in a hot locale and has a hot temperament, because this blood reaches the surface. As a result, cupping is more effective than blood letting in this case. Cupping is also better for those who cannot endure blood letting.

Physicians have stated that cupping is more beneficial than blood letting in hot climates and is desirable during the middle of the month and shortly thereafter, because blood is not yet turbulent at the beginning of the month and it is tranquil at the end of the month.

The prophet (may Allaah send salutations upon him) has said: (the best medicine which you could use is cupping and blood letting) (the best medicines are cupping and blood letting) (the best medicine which you could use is cupping). The latter statement was directed to the people of the Hijaaz and other hot locales, because their blood lacks viscosity, thus it reaches the surface. Consequently, blood letting would be dangerous in this case.

Cupping the upper back treats shoulder and throat pain.

Cupping the two veins of the neck treats ailments of the head, face, and throat which result from an abundance of blood and or a blood disorder.

Anas has said: the messenger of Allaah (may Allaah send salutations upon him) cupped the two veins of the neck and his upper back.

Anas has narrated that the messenger of Allaah (may Allaah send salutations upon him) would cup three times: once upon his head and twice upon the two veins of the neck.

Anas has narrated that he cupped his head after entering ihraam due to a headache. Narrated by Al Bukhaaree.

'Alee has narrated that Jibreel instructed the prophet (may Allaah send salutations upon him) to cup the two veins of the neck and the upper back. Narrated by Ibn Maajah.

Jaabir has narrated that the prophet (may Allaah send salutations upon him) cupped his hip due to pain. Narrated by Aboo Daawud.

Chapter

Cupping The Nape Of The Neck

Physicians have differed regarding cupping the nape of the neck.

Aboo Na'eem has mentioned the following narration in his book *At Tibb An Nabawee*: (you must cup the nape of the neck, because this is a remedy for five ailments). Amongst the five aforementioned ailments was leprosy.

The following has also been narrated: (you must cup the nape of the neck, because this is a remedy for seventy-two ailments).

It has been narrated that Ahmad defended cupping the nape of the neck and that he cupped the sides of the nape of his neck. However, the author of *Al Qaanoon* disliked this act. He has said: cupping the nape of the neck causes forgetfulness as our master Muhammad (may Allaah send salutations upon him) has said, because the rear of the brain is where the memory bank is located.

Others have responded by saying: the aforementioned narration is unreliable. In addition, cupping the nape of the neck is only harmful when done unnecessarily. Otherwise, it is beneficial. In fact, the prophet (may Allaah send salutations upon him) himself cupped the nape of his neck.

Chapter

His Guidance Concerning The Times Of Cupping

Ibn 'Abbaas has narrated that the prophet (may Allaah send salutations upon him) has said: (the best times for cupping are the seventeenth, the nineteenth, and the twenty-first). Narrated by *At Tirmidhee*.

Anas has said: the messenger of Allaah (may Allaah send salutations upon him) would cup the two veins of his neck and his upper back, and he would cup on the seventeenth, the nineteenth, and the twenty-first.

It has been narrated that the prophet (may Allaah send salutations upon him) has said: (if you wish to cup, then attempt to do so on the seventeenth, the nineteenth, or the twenty-first). Narrated by *Ibn Maajah*.

Aboo Hurayra has narrated that the prophet (may Allaah send salutations upon him) has said: (cupping on the seventeenth, the nineteenth, and the twenty-first is a remedy for all ailments).

These prophetic traditions agree with the consensus of physicians which states that cupping during the middle of the month is more beneficial than cupping at the beginning or end of the month.

Al Khallaal has said: 'Isma Bin 'Isaam has said: Hanbal has said to us: Aboo 'Abdillaah Ahmad Bin Hanbal would cup whenever his blood became turbulent.

Some disapprove of cupping when full, and the following has been narrated in this regard: cupping on an empty stomach is a medicine, cupping

when full is an ailment, and cupping on the seventeenth is a remedy.

Chapter

Days When Cupping Should Be Avoided

Al Khallaal has said: Harb Bin Ismaa'eel has said: I asked Ahmad: are there any days when cupping should be avoided? He replied: Wednesday and Saturday.

It has been narrated that Al Husayn Bin Hassaan asked Aboo 'Abdillaah when cupping should be avoided, and he replied: Wednesday and Saturday, and some say Friday.

It has been narrated that the prophet (may Allaah send salutations upon him) has said: (if one cups on Wednesday or Saturday and is afflicted with leprosy, he should only blame himself).

Al Khallaal has said: Muhammad Bin 'Alee Bin Ja'far has informed us that Ya'qoob Bin Bukhtaan has said: Ahmad disapproved of cupping on Wednesday and Saturday. He said: I was informed that a man cupped on Wednesday and was afflicted with leprosy. I said: it seems that he disregarded the prophetic tradition. He replied: yes he did.

It has been narrated that Naafi' has said: 'Abdullaah Bin 'Umar said to me: my blood has become turbulent, so seek a cupper for me, though one who is neither young nor elderly. I have heard the messenger of Allaah (may Allaah send salutations upon him) say: (cupping increases memory and intellect, so cup in the name of Allaah the most high, though do not do so on Thursday, Friday, Saturday, and Sunday. Rather, cup on Saturday but not Wednesday, because that is when leprosy arrives). Ad Daaraqutnee has said: this has only been narrated by Ziyaad Bin Yahya. However, Ayyoob has narrated the following via Naafi': (cup on Monday and Tuesday but not on Wednesday).

Chapter

The aforementioned prophetic traditions indicate that treatment and cupping are desireable. They also indicate that one who has entered ihraam may cup even if he must cut his hair in order to do so. As a result, it is unlikely that one would be liable in this case. As for one who is fasting, it has been narrated in Saheeh Al Bukhaaree that the messenger of Allaah (may Allaah send salutations upon him) cupped while fasting, but does this break the fast? The truth of the matter is that it does, because the messenger of Allaah (may Allaah send salutations upon him) has said so. The most reliable narration which states otherwise is the previous narration. However, it could only indicate that cupping does not break the fast if the fast of the prophet (may Allaah send salutations upon him) was obligatory, if he was a resident, if he did not require cupping due to an ailment, and if the

aforementioned narration did not precede the following narration: (the fast of one who cups and the one who is cupped is broken). As a result, if what has preceded can be verified, then the practice of the prophet (may Allaah send salutations upon him) could prove that cupping does not break the fast.

As for his statement: (the fast of one who cups and the one who is cupped is broken) , it has followed his former statement, thus it is binding.

A physician may be employed without a contract. Rather, he is given wages or whatever he is pleased with.

One may earn a living as a cupper, even though this profession is undesirable for one who is free, because the prophet (may Allaah send salutations upon him) compensated the one who cupped him, and he allowed him to enjoy his wages. Although he did declare these wages vile, he spoke similarly of onions and garlic, though they did not become prohibited as a result.

Chapter

His Guidance Concerning The Severence Of Veins And Cauterization

Jaabir Bin 'Abdillaah has narrated that the prophet (may Allaah send salutations upon him) sent a physician to Ubayy Bin Ka'b to sever and cauterize a vein. Narrated by Muslim.

It has been narrated in Saheeh Al Bukhaaree that Anas was cauterized due to pleurisy while the prophet (may Allaah send salutations upon him) was alive. Narrated by Al Bukhaaree.

The agreed prophetic tradition has preceded, namely: (I do not prefer to be cauterized). He has also said: (I forbid my nation to cauterize).

'Imraan Bin Husayn has narrated that the prophet (may Allaah send salutations upon him) prohibited cauterization. He said: we cauterized during times of tribulation and we were not successful. Narrated by At Tirmidhee.

Al Khattaabee has said: people used to believe that cauterization saved lives, so he prohibited cauterization due to this belief.

Ibn Qutayba has said: cauterization is of two types. One type entails the cauterization of one who is well. This is who the one who does not rely upon Allaah, because he wishes to defy his decree.

The other type of cauterization entails the treatment of wound which has festered or a limb which is severed.

As for cauterization which may or may not be beneficial, it is more probable that it is disliked.

The following has been narrated in Saheeh Al Bukhaaree: seventy thousand people will enter paradise without reckoning. They are the ones

who do not do not seek incantations, cauterization, or omens, and they rely upon their lord.

The following may be deduced from prophetic traditions concerning cauterization:

The prophet (may Allaah send salutations upon him) performed cauterization.

The prophet (may Allaah send salutations upon him) disliked cauterization.

The prophet (may Allaah send salutations upon him) praised those who avoided cauterization.

The prophet (may Allaah send salutations upon him) forbade cauterization.

There is no contradiction in this regard, and praise belongs to Allaah the most high. The fact that the prophet (may Allaah send salutations upon him) performed cauterization proves that it is permissible. Whereas, the fact that he disliked it does not prove that it is unlawful. Although he praised those who avoid cauterization, this only means that it is better not to cauterize. As for his prohibition, it is either mere disapproval or applies to those who cauterize fearing sickness, and Allaah knows best.

Chapter

His Guidance Concerning The Treatment Of Epilepsy

‘Ataa Bin Abee Rabaah has said: Ibn ‘Abbaas once asked: shall I show you a woman of paradise? I replied: you certainly should. He said: this black woman came to the prophet (may Allaah send salutations upon him) and said: I suffer from epilepsy, so supplicate for me. He said: (if you endure, you will attain paradise. Though if you wish, I will supplicate for you). Narrated by Al Bukhaaree and Muslim.

Leading physicians acknowledge that one form of epilepsy is caused by evil souls, and they admit that they must be challenged by righteous souls.

As for physicians who are ignorant and heretical, they deny that souls cause epilepsy. However, medical evidence has not proven otherwise. Conversely, physicians once considered epilepsy a divine ailment caused by souls, though other physicians have said that epilepsy is a divine ailment since it occurs within the head thus harming a pure body part.

This interpretation is the product of ignorance, hence those who are acquainted with souls find it humorous.

In order for recovery to occur, the patient must turn to the creator of these souls and seek protection. This is combat, though a soldier can only be victorious if he is armed with monotheism, reverence, and reliance upon Allaah. He must also turn to him. Otherwise, he will be defenseless.

This also applies to the physician. However, some physicians simply say:

depart, in the name of Allaah, or Allaah is the only source of strength. The prophet (may Allaah send salutations upon him) used to say: (depart enemy of Allaah, I am the messenger of Allaah).

I saw our teacher send a being to one who was afflicted, and he said: our teacher says: depart, for you cannot inhabit this body. He would also recite the following inside the ear of patient: **{do you think that we have created you in vain and that you will not return to us}** [Al Mu'minoon/115].

﴿أَفَحَسِبْتُمْ أَنَّمَا خَلَقْنَاكُمْ عَبَثًا وَأَنَّكُمْ إِلَيْنَا لَا تُرْجَعُونَ﴾ [المؤمنون: 115]

Our teacher informed me that he once recited this verse inside the ear of the patient and the soul replied: yes. He said: as a result, I began beating his neck with a rod until I could not do so anymore. Those who were present were certain the beating was lethal. The soul said: I love him. I said: he does not love you. It said: I wish to perform pilgrimage with him. I said: he does not wish to perform pilgrimage with you. It said: I will depart out of respect for you. I said: no, you will depart out of obedience to Allaah and his messenger. It said: I will depart. The patient sat looking back and fourth, then he asked: how did I reach our teacher? Others said: you have been beaten. He asked: why did our teacher beat me when I have not sinned? Ironically, he was completely unaware of the beating.

Our teacher used to recite the verse of the footstool during treatment, and he obliged physicians and patients to recite this verse frequently. He also enjoined the recitation of Al Falaq and An Naas.

Overall, this form of epilepsy is only denied by those who lack knowledge and intellect. In any event, most evil souls possess those who are unmindful of Allaah.

In reality, the souls of most human beings are under the control of evil souls, and they cannot resist. However, he whom Allaah wishes well awakes, and he realizes that everyone around him is afflicted. Some awaken and return to insanity periodically and others awaken and return to insanity repeatedly. Once they awake, they act intelligently before becoming ill again.

It has been said that epilepsy is a chronic illness. Consequently, the prophet (may Allaah send salutations upon him) promised the woman who came to him that she would attain paradise if patient, and he offered to supplicate for her as an alternative, though he did not guarantee her recovery.

This proves that one may forgo treatment and that supplication is the more effective than conventional medicine, and we know this from experience.

It seems that the epilepsy which the aforementioned woman suffered from was not caused by souls, and Allaah knows best.

Chapter

His Guidance Concerning The Treatment Of Sciatica

It has been narrated that Muhammad Bin Seereen has said: Anas Bin Maalik has said: I have heard the messenger of Allaah (may Allaah send salutations upon him) say: (sciatica is treated with the liquefied tail of a desert sheep. It is divided and a portion is consumed daily upon an empty stomach).

Sciatica is a pain which originates within the hip joint reaching the rear thigh and sometimes the ankle. As sciatica persists, it continues to descend, and the leg becomes leaner. As for the aforementioned prophetic tradition, it has linguistic and medical import. As for the linguistic import of this prophetic tradition, it proves that this ailment may be referred to as 'irq an nasaa contrary to those who differ asserting that al 'irq and an nasaa are synonymous.

As for the medical import of this prophetic tradition, it has preceded that the speech of the messenger of Allaah (may Allaah send salutations upon) is general in terms of time, place, people, and conditions. It is also specific in the same regard, and the address of the prophet (may Allaah send salutations upon him) was directed to the people of the Hijaaz and surrounding areas, especially those in the countryside, because the aforementioned medicine was best for for them.

Chapter

His Guidance Concerning The Treatment Of Dryness

It has been narrated that Asmaa Bint 'Umays has said: the messenger of Allaah (may Allaah send salutations upon him) asked: (how did you alleviate dryness) ? She replied: with shibrim and then sanaa. As a result, he said: (if something could cure death, it would be sanaa). Narrated by At Tirmidhee.

It has been narrated that Ibraaheem Bin Ubayy has said: I have heard 'Abdullaah Bin Umm Haraam say: I have heard the messenger of Allaah (may Allaah send salutations upon him) say: (you must use sanaa and sanoot, because they cure all ailments except death). Narrated by Ibn Maajah.

Shibrim is one of the medicines which physicians do not recommend unlike sanaa.

As for sanoot, it has been said that it is grounded and added to a mixture of honey and fat. Consequently, it would be more beneficial if consumed as such since honey and fat make sanoot a more effective laxative, and Allaah knows best.

Chapter

His Guidance Concerning The Treatment Of Itching And Lice

Anas Bin Maalik has said: the messenger of Allaah (may Allaah send salutations upon him) allowed ‘Abdur Rahmaan Bin ‘Awf and Az Zubayr Bin Al ‘Awwaam to wear silk due to itching. Narrated by Al Bukhaaree and Muslim.

The following has also been narrated: ‘Abdur Rahmaan Bin ‘Awf and Az Zubayr Bin Al ‘Awwaam complained of lice before the messenger of Allaah (may Allaah send salutations upon him) , so he allowed them to wear silk shirts, and I saw them wearing them.

Two issues come to play, one is legal and the other is medical. As for the legal issue, silk is permissible for women and impermissible for men except in cases of necessity.

The most reliable narrations state that Ash Shaafi’ee and Ahmad maintained that silk was permissible for men.

Those who maintained that silk is impermissible for men have said: the prophetic traditions which prohibit that men wear silk are general, but those which allow them to do so could apply exclusively to ‘Abdur Rahmaan Bin ‘Awf and Az Zubayr Bin Al ‘Awwaam. Consequently, general prophetic traditions are more preferable. For this reason, some narrators of the aforementioned prophetic tradition have said: I do not know if those who came after them were aware of the concession.

The truth of the matter is that the concession is general since it has not been restricted. Conversely, the prophet (may Allaah send salutations upon him) said the following to Aboo Burda concerning his sacrifice: (it will suffice you and no one else). Similarly, the most high said to his prophet concerning women who gave themselves to him: **{this applies to you and not the believers}** [Al Ahzaab/50].

﴿خَالِصَةً لَّكَ مِنَ الْمُؤْمِنِينَ﴾ [الأحزاب: 50]

Men were forbidden to wear silk to prevent the subsequent performance of an unlawful act, thus women were allowed to wear silk and men were allowed to do so in cases of necessity. There is a maxim which states that if something is prohibited to prevent the subsequent performance of an unlawful act, what has been prohibited becomes lawful to fulfill a need or to achieve greater benefit. Similarly, males have been forbidden to look at females whom they may marry to prevent contact, but they may look at them if it is necessary or more beneficial.

Voluntary prayer has been forbidden during the times of prohibition so that the believers would not resemble sun worshippers, though one may

perform voluntary prayer during these times to achieve greater benefit.

Chapter

As for the medical issue which comes to play, silk is a medicine which is derived from an animal, and it is highly beneficial. It is unique in that it strengthens the heart as well as vision when added to antimony.

Since silk fabric is of moderate temperature and is not dry nor coarse, it is a remedy for itching, because itching is caused by heat, dryness, and abrasion. As a result, the messenger of Allaah (may Allaah send salutations upon him) allowed 'Abdur Rahmaan Bin 'Awf and Az Zubayr Bin Al 'Awwaam to wear silk clothing as a treatment.

Silk fabric is less likely than other fabrics to be a breeding ground for lice.

One may ask: if silk clothing is the most agreeable fabric, why is it prohibited?

Some respond by saying that silk clothing was prohibited so that people could practice restraint and be rewarded for the sake of Allaah.

Some have said that silk was created as an adornment for women like gold, thus it was declared unlawful for men lest the latter resemble the former.

Some have said silk clothing was prohibited since it makes one conceited.

Some have said that silk clothing was prohibited since it makes one feminine. Consequently, you will find that most men who wear silk are effeminate. In fact, even if one were the most masculine of men, his masculinity would diminish if not disappear if he wore silk. If one is unable to comprehend this, he should simply submit to the wisdom of the law. In light of this, the most accurate opinion is that a guardian may not give a boy silk clothing lest he develop feminine characteristics.

Abuu Moosa Al Asha'ree has narrated that the prophet (may Allaah send salutations upon him) has said: (Allaah has allowed the females of my nation to wear gold and silk, though he has not allowed males to do so) (he has forbade that the males of my nation wear gold and silk, though he has allowed females to do so). Narrated by An Nasaa'ee.

Hudhayfa has said: the messenger of Allaah (may Allaah send salutations upon him) forbade that silk be worn or sat upon saying: (it is for them in this world and for you in the afterlife). Narrated by Al Bukhaaree.

Chapter

His Guidance Concerning The Treatment Of Pleurisy

It has been narrated that Zayd Bin Arqam has narrated that the prophet (may Allaah send salutations upon him) has said: (treat pleurisy with Indian

aloeswood and oil). Narrated by At Tirmidhee.

Pleurisy is a fatal illness, and Umm Salama has said: the ailment of the messenger of Allaah (may Allaah send salutations upon him) began at the home of Maymoona. Whenever his illness would subside, he would lead the people in prayer. However, when he was no longer able to do so, he would say: (command Aboo Bakr to lead prayer). In fact, his ailment became so painful that he fainted. As a result, his wives, his uncle Al 'Abbaas, Umm Al Fadl Bint Al Haarith, and Asmaa Bint 'Umays gathered around him where they discussed giving him medicine, and they did. Once he awoke, he said: (who did this to me? This is the work of women who have come from from that direction) , and he pointed toward Ethiopia.

It was Umm Salama and Asmaa who gave him medicine, and the people said: O messenger of Allaah, we feared that you were afflicted with pleurisy. He asked: (what did you treat me with) ? They replied: with Indian aloeswood, wars, and oil). Narrated by Ahmad.

Chapter

His Guidance Concerning The Treatment Of Headaches

It has been narrated that the prophet (may Allaah send salutations upon him) would cover his head with Henna when suffering from a headache, and he has said: (henna cures headaches with the permission of Allaah). Narrated by Ibn Maajah

In actuality, a headache is caused by undischarged vapors which produce heat.

Headaches are caused by:

- a rise in one of the four compounds
- ulcers
- gas
- an inflammation within the veins
- a full stomach
- sexual intercourse
- vomiting
- extreme heat
- extreme cold and compressed vapors
- lack of sleep
- excessive speaking
- excessive movement
- sadness
- hunger
- inflammation within the brain
- fever

Chapter

It Was His Teaching That The Ill Should Not Be Given Food And Drink Which They Dislike Or Do Not Want

‘Uqba Bin ‘Aamir Al Juhnee has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (do not force the ill to eat and drink, because Allaah the magnificent provides them with food and drink). Narrated by At Tirmidhee and Ibn Maajah.

Some esteemed physicians have said: this prophetic speech contains divine wisdom and is amazingly beneficial, especially for those who treat the ill. In reality, if a patient avoids food or drink, it is either because his body is fighting his illness or because he has lost his appetite. Though whatever the case may be, he may not be given food.

The complete meaning of his statement: (Allaah the magnificent provides them with food and drink) is known only by one who is familiar with the heart and soul and their effect upon the body. In any case, when the soul becomes preoccupied, it becomes unable to seek food and drink, thus it does not experience hunger or thirst. In fact, it becomes senseless.

Allaah nourishes the ill, though physicians are unaware of this. However, this sustenance is commensurate with dejection which brings one closer to Allaah. In fact, if one is beloved to Allaah, his nourishment will be better than food and drink.

If one cannot understand this, he should look at those whose hearts are filled with lust, because discoveries in this regard are astonishing.

It has been narrated that the prophet (may Allaah send salutations upon him) would fast continuously while forbidding his companions to do so saying: (I am not like you, my lord provides me with food and drink). Narrated by Al Bukhaaree.

It is well known that the food which they consumed was tangible. Otherwise, they would not have been fasting continuously, and their fast would not have been different than the fast of the prophet (may Allaah send salutations upon him). In fact, they could not have fasted at all, because he said: (my lord provides me with food and drink).

In addition, he was different in that he was able to do what the companions could not. However, if his food and drink were tangible, he would not have said: (I am not like you) , and only those who lack spiritual nourishment believe otherwise.

Chapter

His Guidance Concerning The Treatment Of ‘Udhra

Jaabir Bin ‘Abdillaah has said: when the messenger of Allaah (may Allaah send salutations upon him) reached ‘Aa’isha, a boy was suffering

from nasal bleeding, so he asked: (what is this) ? Those present replied: he is suffering from 'udhra or a headache. He said: (do not kill your children. If a child is suffering from 'udhra or a headache, his mother should abrade Indian aloeswood in water and he should inhale it). As a result, 'Aa'isha commanded that the boy be treated as such and he recovered.

It has been said that 'udhra is a sore which usually appears between the ears and the throats of children.

Chapter

His Guidance Concerning The Treatment Of Heart Ailments

Dates are an amazing remedy for heart ailments, especially the 'ajwa dates of Al Madeena, and the prophetic tradition reveals the significance of eating seven dates in particular. 'Aamir Bin Abee Waqqaas has narrated that his father has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (if one eats seven aaliya dates in the morning, he will not be harmed by poison or sorcery throughout the day). Narrated by Al Bukhaaree and Muslim.

Dates preserve good health, especially when one consumes them regularly like the people of Al Madeena. In fact, they consume dates like others consume wheat, because it is their staple food. As for aaliya dates, they are amongst their best dates, because they are firm and sweet. In fact, dates are considered a food, fruit, and medicine, and they agree with most bodies.

The aforementioned prophetic tradition applies specifically to the people of Al Madeena and surrounding areas, and there are numerous remedies which are effective only within certain areas. Consequently, vegetation can be edible in one locale and poisonous in another, and it can be medicine for one people and food for another.

As for the significance of consuming seven dates, Allaah the magnificent created seven heavens, seven layers of earth, and seven days. He also created man in seven stages and legislated that he perform tawaaf, throw stones, and utter the takbeer in the beginning of the 'eed prayer seven times.

He has said: (oblige them to pray at seven years of age) (once a boy reaches seven years of age, he may choose between his parents) (his father is more deserving of him than his mother) , and the third time he said: (his mother is more deserving of him).

He demanded that seven flasks of water be poured upon him when he was ill.

Allaah destroyed the people of 'Aad with a wind which lasted for seven nights.

Allaah the glorified compared the charity which he multiplies to a seed

which yields seven stalks containing 100 seeds each, and the companion of Yoosuf saw seven stalks which were harvested for seven years. In addition, seventy thousand believers will enter paradise without reckoning.

The efficacy of consuming a particular amount of dates which are found within a particular locale is specific, and had earlier physicians spoken as such, modern physicians would agree, even though their knowledge was speculative. Consequently, people should agree with one whose speech is entirely conclusive.

Chapter

The Efficacy Of Dates As A Treatment For Some Poisons

There is a matter which must be clarified, namely that one who is ill must believe that the medicine which he takes is effective in order to recover. In fact, many treatments are effective when readily accepted, and discoveries in this regard are astonishing. Conversely, many treatments which are effective fail due to pessimism. This applies even to the Qur'aan which is a remedy for all ailments. In fact, it only increases sickness in this case. However, the Qur'aan is the best medicine for the heart, though most hearts lack conviction, thus recovery is prevented.

Chapter

His Guidance Concerning Prevention

Medicine is prevention and the preservation of health, and medicine revolves around this maxim. As for prevention, it is a protection from whatever may cause or increase illness. Consequently, those who are well and those who are ill are protected, and when a sick person is protected, his illness does not increase.

The basis of prevention is the following statement of Allaah the most high: **{if you are ill, en route, have answered a call of nature, or have touched women and cannot find water, then seek pure earth}** [Al Maa'ida/6].

﴿وَأِنْ كُنْتُمْ مَرْضَىٰ أَوْ عَلَىٰ سَفَرٍ أَوْ جَاءَ أَحَدٌ مِنْكُم مِّنَ الْغَائِطِ أَوْ لَمَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا

صَعِيدًا طَيِّبًا﴾ [المائدة: 6]

Allaah prevented the ill from using water because it would harm them.

It has been narrated that Suhayb has said: I came to the prophet (may Allaah send salutations upon him) as he ate bread and dates, so he said: (come and eat). After eating a date, he asked: (are you eating dates while suffering from a eye ailment) ? I replied: I chew using the other side of my mouth, so he smiled. Narrated by Ibn Maajah.

It has been narrated that the prophet (may Allaah send salutations upon

him) has said: (when Allaah loves a servant, he protects him from the world in the same way that you protect a patient from food and drink).

(Allaah protects his believing slave from the world).

As for the widespread narration which states the prevention is the greatest remedy and that the stomach is the home of illness, it is actually a statement of the Arab physician Al Haarith Bin Kalda and not the prophet (may Allaah send salutations upon him) as scholars have said.

Zayd Bin Aslam has said: 'Umar employed a regime which was so strict that his patient sucked seeds.

Overall, prevention is one of the best remedies, though if one is already ill, his condition will not deteriorate.

Chapter

One must understand that a great deal of what a patient is denied is beneficial when a craving exists and when consumption is limited. For this reason, the prophet (may Allaah send salutations upon him) smiled when Suhayb ate dates. Similarly, it has been narrated that 'Alee was afflicted with an eye ailment when the prophet (may Allaah send salutations upon him) asked concerning the dates which he was eating: (O 'Alee, do you crave them) ? He then threw a total of seven dates at him before saying: (enough O 'Alee).

It has been relayed that Ibn 'Abbaas has narrated that the prophet (may Allaah send salutations upon him) visited a man and asked: (what do you crave) ? He replied: I crave wheat bread, so the prophet (may Allaah send salutations upon him) said: (if someone ill has a craving, satisfy it). Narrated by Ibn Maajah.

Overall, delicious foods are easily digested, especially when they are craved.

His Guidance Concerning The Treatment Of The Eye Ailment Ramad

It has already been mentioned that the prophet (may Allaah send salutations upon him) objected when Suhayb ate dates.

Aboo Na'eem has mentioned in the book *At Tibb An Nabawee* that if a wife of the prophet (may Allaah send salutations upon him) suffered from ramad, he would avoid her until she recovered.

You must know that there are two vapors which ascend, one of them is hot and dry, and the other is hot and moist. They create clouds when prevent us from seeing the sky. These vapors also rise from the depths of the stomach, and once they reach their end, they impede vision. In fact, countless ailments ensue.

The benefits of ramad are numerous, some of them are:

protection and expulsion

the purification of the body

the prevention of emotions which harm the body and soul
 violent behavior
 rigorous activity

In order to recover, one must remain sedentary and must not touch his eye.

It has been narrated that ramad should be treated with droplets of cool water. In fact, this is one of the most effective treatments, because water is a cool medicine which is used to extinguish ramad when hot. For this reason, 'Abdullaah Bin Mas'ood said to his wife Zaynab who complained of an eye ailment: if you did what the messenger of Allaah (may Allaah send salutations upon him) did, your recovery would be more likely. Sprinkle water into your eye and say: (lord send this ailment away and cure me. You are the healer who has the only cure).

However, it has already been said more than once that this is confined to certain locales and eye ailments. As a result, prophetic speech which is specific should not be made general and vice versa lest one be mistaken, and Allaah knows best.

Chapter

His Guidance Concerning The Treatment Of Paralysis

Aboo 'Ubayd has mentioned in Ghareeb Al Hadeeth that Aboo 'Uthmaan An Nahdee has narrated that a people ate from a tree and were paralyzed by a wind thereafter. As a result, the prophet (may Allaah send salutations upon him) said: (let the water cool in a container, and then pour it upon them at dawn between the aadhaan and iqaama).

Some physicians have said: this is one of the best treatments when employed in the Hijaaz.

Chapter

How He Would Salvage Food Which A Fly Fell Upon

Aboo Hurayra has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (if a fly falls into your container, submerge it, because one wing contains an ailment while the other wing contains a cure). Narrated by Al Bukhaaree and Muslim.

Aboo Sa'eed Al Khudree has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (one wing of a fly is poison and the other is a cure, so if a fly falls upon your food, submerge it). Narrated by Ibn Maajah.

This prophetic tradition is legal and medical. It is legal because it clearly proves that a fly does not render a liquid impure when it dies therein, and this is the majority opinion. In fact, it is not known that the early believers ever believed otherwise.

The prophet (may Allaah send salutations upon him) enjoined that a fly which falls upon food be immersed, and it would naturally die as a result, especially if the food was hot. Consequently, if a fly could render food impure in this case, it would be ruined. Rather, the injunction of the prophet (may Allaah send salutations upon him) salvages food.

This ruling also applies to bees and ants etc. since impurity is caused by blood which amasses upon death. Consequently, since their blood is not liquefied, it cannot be said that they render food and drink impure upon death.

Those who have said that the bones of dead animals are pure have also said: if this applies to animals which contain moisture and excrement and are pliable, then it should definitely apply to bones.

The first person to speak of animals whose blood is not liquefied was Ibraaheem An Nakha'ee.

The aforementioned prophetic tradition is also medical, and Aboo 'Ubayd has said: a fly should be submerged so that the cure may release like the ailment.

The prophet (may Allaah send salutations upon him) has ordered us to counteract the poison of one wing with the cure which he has placed in the other wing. This is a form of medicine which the greatest of physicians have not discovered. However, a physician who is learned will accept it since it has been brought by one who was aided by divine revelation.

Numerous physicians have mentioned that a poisonous sting may be treated by rubbing the effected area with a fly, and this is due to the remedy within the wing.

Chapter

It Was His Teaching That Patients Be Treated With The Foods And Medicines Which They Are Accustomed To

This is a major principle, and if a physician does not act accordingly, he will harm the patient while thinking that he is helping him. In fact, only an ignorant physician would prefer medicines which are found in books, because food and medicine are only conducive when the body accepts them.

If one considers the prophetic treatment which we have mentioned, he will realize that it is completely conducive to the patient in terms of his environment and routine, and this is a major principle which must be maintained. In fact, this has been stated by eminent physicians, and the greatest Arab physician Al Haarith Bin Kalda has said: prevention is the best medicine, the stomach is where the ailment lies, and one should be treated with what he is accustomed to. He has also said: hunger is a medicine.

Chapter

How He Treated Himself When The Jews Of Khaybar Poisoned Him

'Abdur Razzaq, Ma'mar, Az Zuhree, and 'Abdur Rahmaan Bin Ka'b Bin Maalik have narrated that a Jewish woman gave the prophet (may Allaah send salutations upon him) a sheep at Khaybar. He asked: (what is this) ? She replied: a gift. She did not say that it was charity lest he refuse to eat. Thereafter, the prophet (may Allaah send salutations upon him) and the companions ate, and then he said: (do not continue). He then asked the woman: (did you poison this sheep) ? She asked: who informed you of this? He replied: (this bone). She said: yes I poisoned it. He asked: (why) ? She replied: if you were a liar, the people would be relieved of you, though if you were a prophet, you would not be harmed. As a result, the prophet (may Allaah send salutations upon him) had his upper back cupped three times, and he ordered his companions to do the same, though some of them died.

Poison is counteracted with medicine and expulsion. As for cupping, it is most beneficial, especially if it is performed during hot weather, because blood carries poison to the heart and limbs. Consequently, poison is discharged once cupping is complete. Otherwise, it becomes weak and the body combats it.

The prophet (may Allaah send salutations upon him) had his upper back cupped, and it is the closest area to the heart where this can be done. As a result, the poison emerged with the blood, though not completely. As a result, when Allaah wished to honor him with martyrdom, the effects of the poison which remained in his body became manifest. Thereafter, the secret of the following statement was revealed: **{do you become arrogant whenever a messenger arrives with what you do not desire. A group of them you denied, and a group of them you kill}** [Al Baqara/87].

﴿أَفَكُلَّمَا جَاءَكُمْ رَسُولٌ بِمَا لَا تَهْوَىٰ أَنفُسُكُمْ اسْتَكْبَرْتُمْ فَفَرِيقًا كَذَّبْتُمْ وَفَرِيقًا تَقْتُلُونَ﴾ [البقرة: 87]

Chapter

How He Treated Himself When The Jews Cast A Spell Upon Him

A group of people have denied this believing that it was a deficiency, though this is not the case. Rather, the prophet (may Allaah send salutations upon him) was afflicted with an illness in the same way that he was poisoned.

'Aa'isha has said: a spell was cast upon the messenger of Allaah (may Allaah send salutations upon him) such that he imagined that he came to his wives when he had not, and this is the most severe form of sorcery. Narrated

by Al Bukhaaree and Muslim.

Al Qaadee 'Iyyaad has said: sorcery is an illness which could befall the messenger of Allaah (may Allaah send salutations upon him) like other ailments which would not negate his prophethood.

The objective is to mention how he treated this illness, and two treatments have been narrated:

1. A reliable narration states that he invoked his lord who guided him to the location where the spell was cast. Thereafter, he withdrew a comb from a well and recovered thereafter. This form of treatment is most effective and is similar to the expulsion of vile matter.

2. When the effects of poison are found within a limb, expulsion is quite effective.

Aboo 'Ubayda has mentioned in Ghareeb Al Hadeeth that 'Abdur Rahmaan Bin Abee Layla has narrated that the prophet (may Allaah send salutations upon him) had his head cupped with a horn after a spell was cast upon him.

This prophetic tradition has been problematic for those who lack knowledge, they ask: what is the connection between the ailment and the cure? However, they would accept this treatment if it were mentioned by the likes of Ibn Seenaa. Nevertheless, it has been mentioned by one whose knowledge and virtue are unquestioned.

You must know that the spell which was cast upon the prophet (may Allaah send salutations upon him) reached his head, thus he imagined that he did what he had not done.

Cupping was initially most effective, though once the prophet (may Allaah send salutations upon him) was informed that a spell was cast upon him, he employed a better method of treatment. Namely, he invoked Allaah who directed him to the location where the spell was cast, so he withdrew it and recovered thereafter. In reality, this spell was bodily and not mental or spiritual, thus the prophet (may Allaah send salutations upon him) knew that he did not do what he imagined, and this occurs due to certain ailments.

Chapter

The Qur'aan And The Remembrance Of Allaah Are Some Of The Best Means Of Treating Sorcery

Divine medicine is one of the best means of treating sorcery, because sorcery is effective due to vile souls which are counteracted with the Qur'aan and the remembrance of Allaah.

When the heart and tongue are engaged in the remembrance of Allaah on a consistent basis, a spell cannot be cast. However, if a person is already afflicted, he will recover as a result of this treatment.

Sorcerers believe that is most effective when hearts are weak and souls

are lowly. For this reason, sorcery usually afflicts woman, children, and those who lack religion and neglect to remember Allaah.

Overall, vile souls gain control over souls which are akin since they lack divine strength, and Allaah knows best.

Chapter

His Guidance Concerning Expulsion Through Vomitting

Aboo Ad Dardaa has narrated that the prophet (may Allaah send salutations upon him) vomitted and performed ablution. He said: I informed Thawbaan of this in the mosque of Damascus and he said: he has told the truth, I poured water for him. At Tirmidhee has said: this is the most reliable narration which exists in this regard.

There are five essential modes of expulsion:

diarieah

vomiting

cupping

vapor release

perspiration

These entities have been mentioned within prophetic traditions.

As for diarieah, the following has been narrated: (sanaa is the best medicine which you could use).

As for cupping, prophetic traditions have preceded.

As for the release of vapors, this will be discussed at the end of this chapter if Allaah has willed.

As for perspiration, it is usually unintentional. Rather, it is brought to the surface where poison emerges.

Chapter

The Benefits Of Vomiting

Vomitting cleanses and strengthens the stomach.

Vomitting sharpens vision.

Vomitting relieves chronic illnesses such as leprosy.

One who is well should vomit two times consecutively every month. However, one should avoid this practice if his throat is inflamed or if his chest is weak. As for the practice of eating until one becomes full and vomiting, it has numerous side effects such as premature senility.

The best times for vomiting are spring and summer, and when finished, one should rinse his face with cool water and drink apple juice with a touch of rose water.

Vomiting empties the upper stomach while diarieah empties the lower stomach, and the following has been said: the upper stomach should be emptied during the summer, and the lower stomach should be emptied with

medicine during the winter.

Chapter

It Was His Teaching That The Most Proficient Physician Be Selected

Maalik has mentioned in his Muwatta that Zayd Bin Aslam narrated that a man was wounded and began bleeding during the time of the messenger of Allaah (may Allaah send salutations upon him). The man called two men from the tribe of Banoo Anmaar, and they claimed that the messenger of Allaah (may Allaah send salutations upon him) asked: (which of you is more proficient in medicine) ? As a result, the man asked: is there good in medicine? The messenger of Allaah (may Allaah send salutations upon him) replied: (the one who caused the ailment has provided a cure).

This prophetic tradition indicates that the proficient should be sought in every field, because they are more likely to achieve results.

Similarly, one should seek the most learned when in need of a ruling, because they are most likely to judge accurately.

If one cannot find the qibla, he should follow the most learned person he finds, and Allaah has created man to act as such. Consequently, a traveler feels more secure when guided by one who is most proficient, and this is proven by law, intellect, and natural disposition.

His statement: (the one who caused the ailment has provided a cure) has been narrated by many. 'Amr Bin Deenaar has narrated that Hilaal Bin Yasaaf has said: the messenger of Allaah (may Allaah send salutations upon him) visited an ill person and said: (seek a physician). Consequently, someone asked: did you say that O messenger of Allaah? He replied: (yes, Allaah the magnificent has not sent an ailment without sending a remedy).

Aboo Hurayra has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (Allaah has not sent an ailment without sending a remedy). Narrated by Al Bukhaaree and Muslim.

There is a discrepancy regarding the meaning of this prophetic tradition. Some have said that Allaah has made his slaves aware of ailments and remedies, though the prophet (may Allaah send salutations upon him) has stated that all ailments and remedies have been sent, and most people are unaware of this. Consequently, he said: (whether you know it or not).

Some have said: remedies and ailments have been placed on earth. Although this is more probable, the wording of the prophetic tradition is more specific.

Some have said: remedies and ailments have been brought by angels, because they have been entrusted with worldly and human affairs. This is more probable than the previous two suppositions.

Some have said: remedies and ailments are brought by rain which yields

harvest. This is better than the previous supposition for various reasons, and Allaah knows best.

Although Allaah has tried his slaves with ailments, he has assisted them with remedies. Although he has tried his slaves with sin, he has assisted them with repentance, as well as deeds and afflictions which expiate wrongdoing. Although Allaah has tried his slaves with Satanic souls, he has assisted them with angelic souls. Although Allaah has tried his slaves with desire, he has assisted them with means of fulfillment. Consequently, Allaah has not tried his slaves without granting them aid, and it is Allaah whose assistance is sought.

Chapter

It Was His Teaching That Inexperienced Physicians Are Liable

'Amr Bin Shu'ayb and his father have narrated that his grandfather has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (if the expertise of a physician is unknown, he is liable). Narrated by Aboo Daawud, An Nasaa'ee, and Ibn Maajah.

This prophetic tradition has linguistic, legal, and medical import.

As for the linguistic import of this prophetic tradition, the Arabs have defined medicine in many ways. Consequently, they have defined medicine as rectification, skill, and sorcery. 'Aa'isha has said: when the Jews cast a spell upon the messenger of Allaah (may Allaah send salutations upon him), two angels sat at his head and feet, and one of them asked: what is his problem? The other angel replied: a spell has been cast upon him. He asked: who did so? The other angel replied: so and so the Jew. Narrated by Al Bukhaaree.

Aboo 'Ubayd has said: they referred to one whom a spell was cast upon as a patient, because they used medicine as a euphemism for sorcery. Similarly, they referred to one who was stung as in good health out of optimism. They referred to an arid expanse as victory anticipating favorable conditions, and an ailment itself is referred to as medicine.

Al Jawharee has said: one who is ill is considered bewitched.

Chapter

If An Inept Physician Causes Loss, He Is Liable

Al Khattaabee has said: to the best of my knowledge, all agree that an inept physician who causes loss is liable, and one who accepts an undertaking without qualification has transgressed. Consequently, when loss results, a bloodwit is binding.

If a skilled physician causes loss, all agree that he is not liable. Similarly,

if a skilled physician performs a circumcision at the appropriate time and causes loss, he is not liable.

Chapter

When A Patient Is Aware That His Physician Is Inept

If a patient is aware that his physician is inept and loss results, the physician is not liable. As for the preceding prophetic tradition, it indicates that the physician is liable for misleading the patient. Similarly, if an inept physician misleads a patient and gives him a prescription which causes loss, the physician is liable.

Chapter

A Skilled Physician Who Makes A Mistake

If a skilled physician makes a mistake which causes loss of limb, he is liable, because his crime is accidental.

Is the bloodwit taken from the wealth of the physician or the treasury? It has been narrated that Ahmad held that it should be taken from both sources, and some have said that the bloodwit should be taken from the wealth of the physician if he enjoys immunity. However, is the blood wit waived in the absence of a treasury or is it taken from the wealth of the physician? It has been said that the bloodwit is waived, and it has been said that it is taken from the wealth of the physician, though the former view is more prevalent.

Chapter

When A Patient Dies Due To A Mistake Of A Skilled Physician

There are two narrations regarding a skilled physician who kills his patient due to an incorrect prescription. One narration states that the bloodwit is taken from the treasury, and the other narration states that it is taken from the wealth of the physician. In fact, Ahmad has maintained the former and latter regarding an imaam and judge.

Chapter

A Skilled Physician Who Acts Without The Consent Of The Patient

If a skilled physician acts without the consent of the patient or his guardian and causes loss, he is liable according to our companions, because he did not receive permission. Otherwise, he is not liable. However, he may not be liable at all.

Chapter

Matters Which A Skilled Physician Must Be Mindful Of

A skilled physician is mindful of the following:

- the type of ailment which he is treating
- the cause of the ailment which he is treating
- the ability of the patient to combat his illness
- the natural temperament of the body
- the unnatural temperament of the body
- the age of the patient
- the habits of the patient
- the season
- the environment of the patient
- air quality
- medicines which oppose the illness
- the strength of the medicine and the strength of the patient

A skilled physician does not simply cure illness. Rather, he aims to prevent a greater illness in the process. As a result, if he is unable to do so, he must not continue.

A skilled physician must begin with the most mild form of treatment, thus he must not replace food with medicine without necessity.

A skilled physician must ascertain whether or not an illness is treatable. If it is not treatable, he should not be greedy and act in vain. Otherwise, he must ascertain if the ailment is curable, and if it is not curable, he must ascertain if it is reducible. If it is not reducible, he must prevent the ailment from increasing.

A skilled physician knows the ailments of the heart and soul as well as their remedies. In fact, this is a cornerstone of physical medicine, because the effect of the heart and soul upon the body is visible. As a result, a person who is capable of curing the heart and soul is a complete physician. Whereas, a person who is capable of curing the body is half of a physician, even if he is skilled.

Some of the greatest treatments are the remembrance of Allaah, supplication, and repentance, because they are more effective than conventional medicine. However, the soul must accept this treatment.

A skilled physician treats a patient gently.

A skilled physician utilizes divine and conventional treatments.

The treatment of a skilled physician revolves around six pillars:

- the preservation of health
- the restoration of health
- curing or reducing illness

bearing the lesser evil
forgoing the lesser good

Consequently, a person who does not return to these fundamentals is not a physician, and Allaah knows best.

Chapter

A Physician Is Mindful Of The Status Of An Illness

Since an illness begins, escalates, diminishes, and concludes, a physician must be mindful of all of these conditions. As a result, if he observes during the initial stage that expulsion is necessary, he must act without delay. However, if he is prevented from doing so, he should beware of acting during escalation, because the body will be preoccupied and will not be able to combat the illness in full.

This is similar to diverting the attention of a horseman engaged in battle. Rather, a physician is obliged under these circumstances to help the body maintain strength.

Once an ailment reaches cessation, a physician may employ expulsion. Similarly, when the enemy becomes weak, he may easily be defeated, and this applies to medicine and ailments.

Chapter

Medicine Should Be Prescribed Gradually According To The Status Of The Patient

A skilled physician prescribes medicine gradually beginning with the mildest medicine available. However, if he fears that the patient will become weak, he must begin with the strongest medicine available. In addition, he should utilize food instead of medicine when able, and if he is unsure whether an ailment is hot or cold, he should not continue until he is certain.

Chapter

It Was His Teaching That One Beware Of Contagious Ailments And Avoid Those Who Suffer From Them

Jaabir Bin 'Abdillaah has narrated that the messenger of Allaah (may Allaah send salutations upon him) conveyed the following message to a member of the delegation of Thaqeef who was a leper: (return, for you have pledged allegiance to us). Narrated by Muslim.

Abou Hurayra has narrated that the prophet (may Allaah send salutations upon him) has said: (flee from a leper as you would flee from a lion). Narrated by Al Bukhaaree.

It has been mentioned that the prophet (may Allaah send salutations upon him) has said: (address a leper at a distance of one or two spears).

Leprosy is an ailment which occurs due to the spread of black bile throughout the body. In this case, limbs become damaged and can even become severed. This illness is also referred to as the ailment of the lion.

It has been said that leprosy is referred to as the ailment of the lion because it causes one to frown like a lion, and others have said that it is referred to as such because it ravages those who approach it like a lion.

Since the prophet (may Allaah send salutations upon him) was concerned with his nation, he forbade them from subjecting their bodies to harm. In fact, the prophet (may Allaah send salutations upon him) married a woman, and as he approached her, he noticed whiteness upon her hip, so he said: (join your family).

People have thought that these prophetic traditions contradict other prophetic traditions, and Jaabir has narrated that the messenger of Allaah (may Allaah send salutations upon him) placed the hand of a leper in the plate saying: (eat in the name of Allaah and rely upon him). Narrated by Ibn Maajah.

Aboo Hurayra has narrated that the prophet (may Allaah send salutations upon him) has said: (there are no omens or contagious ailments). Narrated by Al Bukhaaree.

Praise belongs to Allaah, because prophetic traditions only contradict each other when texts are unauthentic or when narrators are mistaken. As a result, a narrator may be mistaken or one prophetic tradition may abrogate the other.

However, it is unfounded that two explicit authentic prophetic traditions could contradict each other without one of them being abrogated. Rather, a contradiction may appear due to an inability to distinguish between a sound and faulty text, a misunderstanding, or a misinterpretation, and success lies with Allaah.

Aboo Muhammad has said: there is no contradiction in this regard, because each prophetic tradition has a time, location, and meaning.

The odor of a leper can become so strong that one who is close to him for a long time can become ill, and a woman who is married to a leper can contract leprosy if she sleeps with him. Although physicians enjoin that lepers be avoided, this does not mean that leprosy is contagious. Rather, the odor of a leper can cause illness, and physicians do not believe in omens at all.

When a land becomes plague stricken, contagious diseases are feared. However, the prophet (may Allaah send salutations upon him) has said: (if a land becomes plague stricken while you are present, do not evacuate. However, if a land becomes plague stricken before your arrival, do not go there). He meant do not evacuate a plague stricken land thinking that you can escape the decree of Allaah. As for his second statement, he meant that

they would be more secure if they remained in a locale which the plague had not reached.

Some have said: rather, the command to flee from the leper is one of desireability. As for the fact that the prophet (may Allaah send salutations upon him) ate with a leper, he did so to illustrate that this is permissible.

Some have said: rather, these two statements are partial and not total, hence the prophet (may Allaah send salutations upon him) has addressed each individual accordingly. Namely, some people have strong faith which repels contagious illnesses like a strong constitution. Whereas, others do not, thus he enjoined precaution. Nevertheless, he acted in both circumstances to set a precedent, hence those whose faith is strong can trust in Allaah, and those whose faith is weak can observe precaution. Similarly, he cauterized while commending those who did not, and he compared them to those who rely upon Allaah and ignore omens.

Some have said that the command to avoid the leper is natural, namely that leprosy is communicable through touch and smell. However, this only occurs when interaction is consistent. As for eating with a leper for a short while to attain greater benefit, there is no risk of infection. Consequently, the prophet (may Allaah send salutations upon him) commanded that the leper be avoided for health sake, hence there is no contradiction in this regard.

Some have said: it is possible that the leper who ate with the prophet (may Allaah send salutations upon him) was only afflicted with mild leprosy since all lepers are not akin.

Some have said: people believed before Islaam that contagious diseases were contracted naturally, thus the prophet (may Allaah send salutations upon him) ate with a leper to illustrate that Allaah the glorified is the source of wellness and illness. He also enjoined that the leper be avoided to illustrate the cause by which Allaah produces effect. Consequently, his injunction affirms cause and his action illustrates that leprosy can only be contagious if Allaah has willed.

Some have said: some of these prophetic traditions are abrogated, so if it cannot be ascertained which are most recent, we should desist.

Some have said: only some of these narrations are sound, and the following has been said regarding the prophetic tradition: (there are no contagious diseases) : Aboo Hurayra narrated this, but he became doubtful and stopped. Although it was said to him: we have heard you narrate this, he maintained his stance.

Aboo Salama has said: I do not know if Aboo Hurayra forgot, or if one prophetic tradition has abrogated the other.

As for the narration of Jaabir which states that the prophet (may Allaah send salutations upon him) placed the hand of a leper in the plate, it is

unreliable. At Tirmidhee has said: it is ghareeb, though he did not declare it saheeh or hasan. Shu'ba and others have said: beware of these ghareeb narrations.

We have disussed this topic in greater detail in Al Miftaah, and success lies with Allaah.

Chapter

He Forbade That Unlawful Substances Be Utilized During Treatment

It has been narrated that Aboo Daawud has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (Allaah has sent ailments and cures, and he has provided a remedy for every ailment. Consequently, you should utilize medicine, though avoid unlawful substances). Narrated by Aboo Daawud.

It has been narrated that Ibn Mas'ood has said: Allaah has not placed a cure within unlawful substances. Narrated by Al Bukhaaree.

Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) forbade vile medicines. Narrated by Aboo Daawud.

Taariq Bin Suwayd Al Ju'fee has narrated that he asked the prophet (may Allaah send salutations upon him) about intoxicants and that he forbade him to produce them. As a result, he said: rather, I produce intoxicants for medicine, so he said: (they are not a medicine, but rather an ailment). Narrated by Aboo Daawud and At Tirmidhee.

Taariq Bin Suwayd Al Hadramee has said: I said: O messenger of Allaah, we have grapes which we use to produce beverages. He said: (no). Consequently, I said: we use them as medicine. He said: (they are not a medicine, but rather an ailment). Narrated by Muslim.

It has been narrated in An Nasaa'ee that a physician mentioned the use of frogs for medicine and that the prophet (may Allaah send salutations upon him) forbade that they be killed.

It has been mentioned that the prophet (may Allaah send salutations upon him) has said: (if one uses intoxicants as medicine, may Allaah forbid his recovery).

Utilizing unlawful substances during treatment is legally and intellectually repugnant. As for the law, we have mentioned prophetic traditions in this regard. As for intellect, Allaah the glorified has forbade unlawful substances since they are distasteful. Consequently, he did not forbid this nation from enjoying what is wholesome as he did the children of Israel when he punished them, and the most high has said: **{since the Jews acted unjustly, we forbade them from enjoying what is wholesome}** [An Nisaa/160].

﴿فَيُظَلِّمُونَ الَّذِينَ هَادُوا حَرَمًا عَلَيْهِمْ طَبِيبٌ أُجِلتَ لَهُم﴾ [النساء: 160]

Rather, unlawful substances are prohibited because they are vile, hence this injunction is a protection. As a result, it is inappropriate to utilize unlawful substances during treatment, because even when they are effective, the heart becomes ill thereafter which is more severe.

The injunction of the prophet (may Allaah send salutations upon him) necessitates that unlawful substances be avoided, and when utilized during treatment, they are promoted which opposes the objectives of the legislator. Furthermore, unlawful substances are an ailment as the prophet (may Allaah send salutations upon him) has stated, so they may not be used as a medicine.

Unlawful substances defile the body and soul. For this reason, Allaah the glorified has declared vile food and drink unlawful due to the negative effect which they have upon the soul.

If unlawful substances were permitted for treatment, they would soon be used for pleasure, especially if it were known that they were effective medicinally. Consequently, the law has prevented all means of consumption, thus a concession would be contradictory.

Unlawful medicine is more of an ailment than a remedy. As for intoxicants which are the most vile of substances, Allaah has placed no cure within them, because they damage the brain which is the center of intellect according to physicians, jurists, and theologians.

The author of Al Kaamil has said: intoxicants are known to cause brain damage.

Other unlawful medicines are of two types:

1. There are unlawful medicines which the soul dislikes, and the body does not help them combat illness, i. e. poisons etc. Consequently, they are a burden, hence they become an ailment instead of a remedy.

2. There are unlawful medicines which the soul does not dislike such as intoxicants. Their harm outweighs their benefit, and intellect declares this unlawful. Consequently, intellect and natural disposition conform with the law in this regard.

Unlawful substances are not utilized during treatment for a reason unknown to many. Namely, one cannot recover unless he believes that his medicine is beneficial, though Allaah has not blessed unlawful substances. Consequently, it is a blessed medicine which is effective, and it is a blessed individual who recovers.

It is well known that if a Muslim believes that vile substances are unlawful, he will not believe that they are beneficial. In fact, as the faith of a slave increases, so does his hatred for unlawful substances. As a result, if he consumes them under these circumstances, they will be an ailment, and they will not become a remedy until he loves them. However, this negates faith,

thus a believer does not consume harmful substances at all, and Allaah knows best.

Chapter

His Guidance Concerning The Treatment of Lice

Ka'b Bin 'Ujra has said: I suffered a head ailment, so I went to the messenger of Allaah (may Allaah send salutations upon him) as lice fell upon my face.

It has been narrated that the messenger of Allaah (may Allaah send salutations upon him) ordered him to shave his head, feed six people, offer a sheep, or fast three days.

Since children suffer from lice more than others, the prophet (may Allaah send salutations upon him) shaved the heads of Banoo Ja'far.

One of the best forms of treatment is to shave the head so that noxious vapors may rise, and medicine should be applied to the head thereafter.

Head shaving is of three types:

1. devotion
2. innovation
3. necessity

The first shaving occurs during hajj or 'umra. The second shaving is not for Allaah the glorified, but for the spiritual guide. In fact, it is tantamount to prostrating before man, because shaving the head is an act of servitude. For this reason, head shaving is an important part of hajj. In fact, Ash Shaafi'ee considered this act a pillar of hajj, because it is one of the most profound statements of servitude. Similarly, when the Arabs sought to subjugate captives, they would shave their heads. Consequently, when deviant figures desired that their disciples become subservient to them, they enticed them to shave their heads for them as they enticed them to prostrate to them. However, they referred to the former act as placing the head between the hands of the guide, and they referred to the latter act as placing the head between the hands of the glorified.

They enticed them to vow to them, to swear by them, and to repent to them. This is how they committed polytheism, and Allaah has said: **{a human being could not receive prophethood and the book and then say to the people: be my slaves. Rather, you must be religious educators due to your knowledge of the book, and he does not command you to worship prophets and angels. Would he command you to disbelieve when you submit}** [Aalu 'Imraan/79-80].

﴿ مَا كَانَ لِبَشَرٍ أَنْ يُؤْتِيَهُ اللَّهُ الْكِتَابَ وَالْحُكْمَ وَالنَّبُوءَ ثُمَّ يَقُولَ لِلنَّاسِ كُونُوا عِبَادًا لِي مِنْ دُونِ اللَّهِ وَلَكِنْ كُونُوا رَبَّكُمْ عَلِيمُونَ الْكِتَابَ وَبِمَا كُنْتُمْ تَدْرُسُونَ ﴾

﴿ وَلَا يَأْمُرُكُمْ أَنْ تَتَّخِذُوا الْمَلَائِكَةَ وَالنَّبِيِّينَ أَرْبَابًا ﴾

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّبِعُوا هَذِهِ السُّبُلَ فَتَفَرَّقَ بِكُمْ عَنْ سَبِيلِ اللَّهِ زُجُجَتْ لَكُمُ الْسُّبُلُ فَطَيَّرْتُمُوها ﴾ [آل عمران: 79-80]

The most noble form of servitude is prostration which spiritual guides have taken. Whereas, those who imitate scholars bow before one another as worshippers bow before their lord, and some of them sit as others stand before them as an act of devotion. However, the prophet (may Allaah send salutations upon him) prohibited these three acts, and he has said: (a person should not prostrate before anyone). As a result, he objected when Mu'aadh prostrated before him.

Someone asked the prophet (may Allaah send salutations upon him) : may a man bow when he meets his brother? He replied: (no). He was asked: may he kiss him? He replied: (no). He was asked: may he shake hands with him? He replied: (yes).

Bowing when greeting is prostration, and the most high has said: **{enter the gate in prostration}** [Al Baqara/58].

﴿وَادْخُلُوا الْبَابَ سُجَّدًا﴾ [البقرة: 58]

I. e. bowing. As for the non-Arab practice of standing before one who is seated, it is prohibited. In fact, the prophet (may Allaah send salutations upon him) ordered the companions to pray sitting if he prayed as such lest one stand above him, even though they would do so for Allaah, so what about one who stands before another as an act of devotion? !

The point is this, ignorant misguided souls have ceased to worship Allaah alone due to their glorification of creation. Consequently, they worship other than him. In fact, they have equated creation with the maintainer of all which exists. It is they who oppose the call of the messengers, and they will argue amongst their deities in the fire saying: **{by Allaah, we were clearly astray when we equated you with the maintainer of all which exists}** [Ash Shu'araa97-98].

﴿تَاللَّهِ إِن كُنَّا لَفِي ضَلَالٍ مُّبِينٍ﴾ (١٧) إِذْ تُسَوِّىكُمْ رَبِّ الْعَالَمِينَ ﴿١٨﴾ [الشعراء: 97-98]

It is they whom Allaah referred to when he said: **{there are some who love others as Allaah is loved, but those who believe love Allaah most}** [Al Baqara/165].

﴿وَمِنَ النَّاسِ مَن يَتَّخِذُ مِن دُونِ اللَّهِ أَندَادًا يُحِبُّوهُمْ كَحُبِّ اللَّهِ وَالَّذِينَ

ءَامَنُوا أَشَدُّ حُبًّا لِلَّهِ﴾ [البقرة: 165]

And this is polytheism which is unforgiveable.

Chapter

His Guidance Concerning Spiritual And Conventional Medicine

Ibn 'Abbaas has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (the eye is real, and if something could

precede the decree, it would be the eye). Narrated by Muslim.

Anas has narrated that the prophet (may Allaah send salutations upon him) allowed incantations due to the eye. Narrated by Al Bukhaaree and Muslim.

Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (the eye is real). Narrated by Al Bukhaaree and Muslim.

'Aa'isha has said: one who afflicted another with his eye would be ordered to perform ablution, and the one whom he afflicted would bathe with the water. Narrated by Aboo Daawud.

'Aa'isha has said: the prophet (may Allaah send salutations upon him) ordered us to protect ourselves from the eye with incantations. Narrated by Al Bukhaaree and Muslim.

Sufyaan Bin 'Uyayna, 'Amr Bin Deenaar, 'Urwa Bin 'Aamir, and 'Ubayd Bin Rifaa'a Az Zarqee have narrated that Asmaa Bint 'Umays said: O messenger of Allaah! The eye afflicts Banoo Ja'far, so should I recite incantations for them? He replied: (yes, because if something could precede the decree, it would be the eye). At Tirmidhee has said: an authentic (hasan saheeh) prophetic tradition.

Muhammad Bin Abee Umaama Bin Sahl and his father have narrated have narrated that the prophet (may Allaah send salutations upon him) has said: (the eye is definitely real, so perform ablution). Narrated by Maalik.

Ibn Taawoos and his father have narrated that the prophet (may Allaah send salutations upon him) has said: (the eye is real, and if something could precede the decree, it would be the eye). Narrated by 'Abdur Razzaaq.

Az Zuhree has said: one who has afflicted another with his eye inserts his hand in a container of water and rinses his mouth, and he discharges the water inside the container. He then washes his face inside the container, and he pours water upon his right knee using his left hand. He then pours water upon his left knee using his right hand, and he washes inside his waist wrapper. Thereafter, the water is poured once upon the head of the man who is afflicted.

The eye is of types: one is human and the other is demonic, and Umm Salama has narrated that the prophet (may Allaah send salutations upon him) saw a girl in her home who was afflicted by the eye of a demon. As a result, he said: (recite incantations for her, because the eye of a demon has afflicted her).

It has been mentioned that Jaabir has narrated that the prophet (may Allaah send salutations upon him) has said: (the eye places men in graves and camels in pots).

Aboo Sa'eed has narrated that the prophet (may Allaah send salutations

upon him) used to seek the protection of Allaah from demons and the eyes of men.

Some who are intellectually deficient deny the eye claiming that it is imaginary. They know the least about souls, but those who are intelligent do not deny the eye regardless of their creed, although they do differ concerning cause and effect.

Some have said: poison is emitted from the eye, and there is a snake which can kill a person by looking at him.

Some have denied cause and effect in terms of the eye. However, Allaah the glorified has undoubtedly created power within the body and soul, and no intelligent person can deny that there is a soul within the body, because it is perceived. You see how a face becomes red when a person is shy, or how a face becomes yellow when a person is afraid. In fact, people have seen how a person becomes weak and ill due to a glance, and this is due to the connection between the eye and the soul. However, it is not the eye which acts, but rather the soul.

The effects of the soul differ, thus the soul of an envious person harms those whom he envies. For this reason, Allaah and his messenger have enjoined that protection be sought from this evil.

The effect which the envious have upon those whom they envy is denied only by one who is oblivious to human nature, because a jealous soul effects one whom it envies like a poisonous snake. In fact, some snakes become so strong that they are able to cause blindness and miscarriages.

There are some souls which are so vile that they are able to effect human beings upon sight, because physical contact is unnecessary in this regard. Rather, the following may serve as an impetus:

contact

an encounter

a glance

an advancing soul

supplication

incantation

imagination

Vision is unnecessary for a soul to be harmful, because the soul of a blind man could afflict another as the result of a description. In fact, many effect others due to descriptions, and Allaah the most high said to his prophet: **{those who disbelieve almost made you fall with their vision when they heard the remembrance}** [Al Qalam/51].

﴿وَإِنْ يَكَادُ الَّذِينَ كَفَرُوا لَيُزْلِقُونَكَ بِأَبْصَرِهِمْ لَمَّا سَمِعُوا الذِّكْرَ﴾ [القلم: 51]

{Say I seek the protection of the lord of the dawn from the evil of what he has created, the evil of nightfall, the evil of sorcerers who blow

upon knots, and the evil of one who is envious} [Al Falaq/1-5].

﴿قُلْ أَعُوذُ بِرَبِّ الْفَلَقِ ۝١ مِنْ شَرِّ مَا خَلَقَ ۝٢ وَمِنْ شَرِّ غَاسِقٍ إِذَا وَقَبَ ۝٣ وَمِنْ شَرِّ النَّفَّاثَاتِ

فِي الْعُقَدِ ۝٤ وَمِنْ شَرِّ حَاسِدٍ إِذَا حَسَدَ ۝٥﴾ [الفلق: 1-5]

As a result, anyone who afflicts another person with his eye is envious, though not all who are envious afflict other people with their eyes. In addition, since one who is envious is less specific than one who afflicts others with his eye, one seeks protection from the evil of the former in the same way that he seeks protection from the evil of the latter.

An arrow is shot from the soul, and sometimes it hits, and sometimes it misses. If it hits while the one who is sought is unprotected, he will inevitably be effected. However, if he is wary, he will not be effected. In fact, the arrow may return.

A person is pleased, and then a vile soul emits poison with a glance. In fact, a man may afflict himself with his own eye, and he may afflict others unintentionally. This is the worst type of affliction which man can induce, and our companions and other jurists have said: a person like this is confined by the imaam and maintained until death, and this is undoubtedly the truth.

Chapter

Treating The Eye According To The Prophetic Tradition

There are various forms of prophetic treatment, and Sahl Bin Haneef has said: we came across a stream, so I bathed in it. Thereafter, I emerged fever stricken. Once the messenger of Allaah (may Allaah send salutations upon him) became aware of this, he said: (order Aboo Thaabit to seek protection). He said: I asked: O my master! Are incantations viable? He replied: (incantations are only for the eye, the fever, and a sting). Narrated by Aboo Daawud.

Some incantations are: frequent recitation of Al Falaq and An Naas, Al Faatiha, and the verse of the throne.

Prophetic Incantations:

(I seek the protection of the complete speech of Allaah from the evil which he has created).

(I seek the protection of the complete speech of Allaah from all eyes and demons).

(I seek the protection of the complete speech of Allaah which none can exceed from the evil which he has created, the evil which ascends and descends, the evil which enters the earth and emerges, the evil of the tribulation of night and day, and the evil of those who come by night).

(I seek the protection of the complete speech of Allaah from his anger, his punishment, his slaves, and demons).

(O Allaah, I seek the protection of your noble face and complete speech from the evil of those whose forelocks you hold. O Allaah, you reveal debt and wrongdoing. O Allaah, your forces are not defeated and your promise is not broken. You are glorified and praiseworthy).

(I seek the protection of the exalted face of Allaah which is the greatest, his complete speech which none can exceed, and his names which I know and do not know. I seek protection from the evil of what he has created, the evil of creation which I cannot bear, and the evil of those whose forelocks you hold. My lord is indeed upon a straight path).

(O Allaah, you are my lord. There is no deity worthy of worship except you. I rely upon you and you are the lord of the exalted throne. What Allaah has willed exists and what he has not willed does not exist. He is the only source of strength, and I know that he is completely knowledgeable and capable. O Allaah, I seek your protection from the evil of my soul, the evil and polytheism of Shaytaan, and the evil of every beast whose forelock you hold. My lord is indeed upon a straight path).

(I have fortified myself with Allaah who is the only deity worthy of worship. He is my deity and the deity of all things. I have sought the refuge of my lord and the lord of all things. I have relied upon the living who will not die and have repelled evil with aid from Allaah. Allaah is sufficient and is the finest trustee. My lord is sufficient, thus I do not need his slaves. The creator is sufficient, thus I do not need creation. The provider is sufficient, thus I do not need those whom he provides for. Sufficient is he who possesses dominion. He grants protection though needs no protection. Allaah is sufficient. He hears the supplicant, and there is no deity worthy of worship except he. I rely upon him and he is the lord of the exalted throne).

Whoever has tried these supplications knows how vital and beneficial they are, because they repel the evil of the eye when faith is strong.

Chapter

What One Does Whose Eye Is Harmful

If one fears that his eye may harm another, he should say: O Allaah, bless him.

The prophet (may Allaah send salutations upon him) asked ‘Aamir Bin Rabee’a when he afflicted Sahl Bin Haneef: (did you seek blessings) ? Consequently, he said: O Allaah, bless him.

The evil eye is also repelled by saying: what Allaah has willed, and he is the only source of strength. Hishaam Bin ‘Urwa has narrated that his father would say the following when pleased or when entering a garden: what Allaah has willed, and he is the only source of strength.

Muslim has narrated the following incantation which Jibreel gave the prophet (may Allaah send salutations upon him) : (in the name of Allaah. I give you an incantation for everything which harms you including the evil

of all souls and jealous eyes. May Allaah heal you, and in his name I give you this incantation). Narrated by Muslim.

A group of early believers held that verses of the Qur'aan should be written and consumed with a liquid. Mujaahid has said: it is not objectionable to write the Qur'aan, to rinse it, and to give it to a patient so that he may drink it. It has been mentioned that Ibn 'Abbaas enjoined that the Qur'aan be written, rinsed, and consumed to ease delivery. Ayyoob has said: I saw Aboo Qilaaba write the Qur'aan and rinse it. He then gave the water to a man who was in pain.

Chapter

The Bath Of One Whose Eye Is Harmful

One whose eye is harmful should be ordered to bathe thoroughly while wearing an izaar. He should then pour the bath water upon the head of the one whom he has afflicted. This is superior to conventional treatment, and it does not benefit one who does not believe that it is effective.

You must know that the antidote of a snake's poison is found within it's flesh, and that the effects of a hostile soul are reduced by touching the chest. This is like pouring water upon a flame which a man intends to burn you with. For this reason, the prophet (may Allaah send salutations upon him) ordered one whose eye is harmful to say: (O Allaah bless him) so that his evil may be repelled, because an ailment is treated with it's opposite.

This evil reaches skin which is thin, because it seeks to penetrate. Consequently, it finds no skin thinner than that of the genitals, so when they are washed, evil is repelled. It should also be said that the genitals are specific to Satanic souls.

The point is this, washing the genitals extinguishes fire and discharges poison.

The effects of this bath reach the heart since it is most penetrable, thus fire is extinguished and recovery ensues. Similarly, when poison is killed after a sting, the effects of the sting are reduced.

In general, when one whose eye is harmful bathes, the evil which emerges from him dissipates.

One may say: it is clear why bathing is appropriate, though why is it appropriate to pour the bath water over the one who is afflicted?

It is undoubtedly appropriate to pour the bath water over the one who is afflicted, because it extinguishes fire.

Chapter

Concealing The Attractive Features Of One Whom You Fear May Be Afflicted By The Eye

An effective form of prevention and treatment is to conceal the attractive features of one whom you fear may be afflicted by the eye. It has been

narrated that 'Uthmaan saw an attractive youth, so he said: darken his dimple lest he be afflicted by the eye. Narrated by Al Baghawee.

Chapter

Incantations Which Repel The Eye

Aboo 'Abdillaah As Saajee has mentioned that he was upon a camel and that a man was present who ruined whatever he looked at. As a result, someone said to Aboo 'Abdillaah: guard your camel from the one whose eye is harmful. He said: he cannot harm my camel. Once the one whose eye was harmful became aware of this, he looked at the camel of Aboo 'Abdillaah and it collapsed. Consequently, he mentioned what had happened and someone said: bring me to the camel, and he did. Thereafter, the person recited the following verse: **{look again, do you see any deficiency. Look again and again and your vision will return weak and degraded}** [Al Mulk/3-4].

﴿فَأَرْجِعِ الْبَصَرَ هَلْ تَرَى مِنْ فُطُورٍ﴾ ثُمَّ ارْجِعِ الْبَصَرَ كَرَّتَيْنِ يَنْقَلِبْ إِلَيْكَ الْبَصَرُ خَاسِئًا وَهُوَ حَسِيرٌ ﴿٤﴾ [الملك: 4]

As a result, the eyes of the man who harmed the camel emerged and the camel rose in satisfactory condition.

Chapter

His Guidance Concerning The Usage Of Incantations During General Treatment

Aboo Ad Dardaa has said: I have heard the messenger of Allaah (may Allaah send salutations upon him) : (if one of you has an ailment, say: our lord is Allaah who is in heaven. Your command is in heaven and on earth as your mercy is in heaven, so place your mercy on earth and forgive us. You are the lord of the good, have mercy and relieve this pain. With the permission of Allaah, healing will occur). Narrated by Aboo Daawud.

Aboo Sa'eed Al Khudree has narrated that Jibreel came to the prophet (may Allaah send salutations upon him) and asked: O Muhammad, are you ailing? He replied: (yes). As a result, Jibreel said: (in the name of Allaah. I give you an incantation for all ailments, evil souls, and jealous eyes. May Allaah heal you, and in his name I give you this incantation). Narrated by Muslim.

One may ask: how do you respond to the following narration of Aboo Daawud: (incantations are only for the eye and the fever) ?

The prophet (may Allaah send salutations upon him) did not wish to negate the permissibility of reciting incantations for other ailments. Rather, he meant that an incantation recited for the eye and the fever is most beneficial, and the sequence of the prophetic tradition indicates this, because Sahl Bin Haneef asked when he was afflicted by the eye: are incantations

any good? The prophet (may Allaah send salutations upon him) replied: (incantations are only for the eye and the fever). This is indicated by the remaining prophetic traditions concerning incantations, and Anas has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (incantations are only for the eye, the fever, and blood). Narrated by Aboo Daawud.

Sahl Bin Haneef has also narrated that the messenger of Allaah (may Allaah send salutations upon him) allowed incantations for the eye, the fever, and an namla. Narrated by Muslim.

Chapter

His Guidance Concerning The Treatment Of Stings With Al Faatiha

Aboo Sa'eed Al Khudree has said: a group accompanied the prophet (may Allaah send salutations upon him) during a journey where they sought lodging and were denied. Thereafter, a neighborhood leader was stung, and the locals employed every treatment possible, though without success. As a result, some of them said: you should approach this group, because they may have something, so they said: our leader has been stung and we have employed every treatment possible, though without success. Do you have anything? Someone replied: yes, by Allaah I recite incantations, but we sought lodging and you did not host us. As a result, they gave them livestock as a consolation, so one of them began spitting upon the leader while reciting Al Faatiha, and he began to walk.

Some of them said: divide the livestock, so the one who recited the incantation said: do not do so until we tell the messenger of Allaah (may Allaah send salutations upon him) what has happened, then we will see what he orders us to do. Once they mentioned what had occurred, he said: (how do you know that your incantation was successful? Divide the livestock and give me a portion). Narrated by Al Bukhaaree and Muslim.

It has been narrated that 'Alee has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (the best medicine is the Qur'aan). Narrated by Ibn Maajah.

It is well known that some speech is unique and beneficial, so what about the speech of Allaah? The most high has said: **{and we reveal the Qur'aan which is a healing and mercy for the believers}** [Al Israa/82].

﴿وَنَزَّلْنَا مِنَ الْقُرْآنِ مَا هُوَ شِفَاءٌ وَرَحْمَةٌ لِّلْمُؤْمِنِينَ﴾ [الإسراء: 82]

What about Al Faatiha which has no counterpart in the Qur'aan, the Tawraa, the Zaboor, or the Injeel? Al Faatiha comprises all of the books of Allaah, and it mentions the names of the lord most high in summary, namely: Allaah, The Lord, The Most Gracious. It affirms the afterlife and

mentions two forms of monotheism, i. e. divinity and lordship. It mentions that man requires aid and guidance which only Allaah the glorified can provide. It mentions the most virtuous, beneficial, and vital supplication, and it mentions that guidance to the straight path is the greatest necessity. It mentions various types of people and categorizes them as those who are blessed to know the truth and act accordingly, those who are despised for opposing the truth while aware, and those who are astray because they are ignorant of the truth. In fact, these are the categories of creation.

Al Faatiha affirms the names and attributes of Allaah, the purification of the soul, and the rectification of the heart. It mentions the equity of Allaah and refutes all innovators as we have mentioned in our vast work Madaarij As Saalikeen.

In general, Al Faatiha comprises sincere servitude, the praise of Allaah, reliance upon Allaah, seeking the aid of Allaah, and seeking the guidance of Allaah which embodies all grace. Consequently, it is one of the greatest medicines.

It has been said that the incantation is: **{it is you alone whom we worship, and it is you alone whose assistance we seek}** [Al Faatiha/5].

﴿إِيَّاكَ تَعْبُدُ وَإِيَّاكَ نَسْتَعِينُ﴾ [الفاتحة: 5]

This is undoubtedly the strongest ingredient, because it is unique in that it contains reliance upon Allaah and a request for his assistance. It also combines the highest objective, i. e. worshipping Allaah alone with the most honored means of doing so, i. e. seeking the aid of Allaah. In fact, I became ill while in Makka and did not have medicine or a physician, so I would recite Al Faatiha repeatedly over zamzam water, and then I would drink it. As a result, I attained complete recovery, and I relied upon this practice when suffering from pain, and it was most effective.

Chapter

How Al Faatiha Can Serve As An Effective Incantation For Poisoning

Allaah the glorified has created a remedy for every ailment, and everything has an opposite. The soul of one who recites an incantation effects the patient in the same way that medicine effects illness. As a result, when one recites an incantation, his soul becomes strong, thus he is able to combat illness with the permission of Allaah. The influence of ailments and remedies is centered upon cause and effect, and this applies to ailments and remedies which are natural, spiritual, or a combination of the former and latter.

When one blows and spits, he relies upon air, moisture, and breath which yields the remembrance of Allaah, because incantations emerge from the

heart and mouth, so when they are accompanied by air and saliva, they are more effective.

In general, the soul of one who recites incantations encounters wicked souls, and it relies upon incantations which are blown as a treatment. In fact, the stronger the soul, the more effective the incantation.

Souls which are good and evil rely upon blowing. For this reason, sorcerers blow just like the believers do. The most high has said: **{and the evil of those who blow upon knots}** [Al Falaq/4].

﴿وَمِنْ شَرِّ النَّفَّاثَاتِ فِي الْعُقَدِ﴾ [الْفَلَق: 4]

The soul wages a war which is aided by blowing and spitting, and sorcerers rely upon blowing, even though they blow upon knots instead of bodies. Rather, the sorcerer ties knots and speaks words of witchcraft which are effective due to wicked souls. However, good souls combat them with incantations and blowing. In reality, souls clash just like human beings. However, one whose perception is predominant cannot realize this, because he is far from the world of souls.

The point is this, if a soul is strong and conforms with Al Faatiha while relying upon blowing and spitting, it can offset the effects of a wicked soul, and Allaah knows best.

Chapter

His Guidance Concerning The Treatment

Of Scorpion Stings With Incantations

Ibn Mas'ood has said: as the messenger of Allaah (may Allaah send salutations upon him) performed prayer, a scorpion stung his finger. As a result, he said: (may Allaah curse scorpions, they do not avoid prophets or anyone). He then called for container of salt water which he applied to the sting while reciting Al Ikhlāas, Al Falaq, and An Naas until the pain subsided. Narrated by Ibn Abee Shayba.

This prophetic tradition contains a remedy which is divine and conventional. As for Al Ikhlāas, it contains complete monotheism, and it affirms that Allaah is one, thus partnership is negated. It affirms that creation turns to him when they are in need, thus completeness is confirmed. It negates that he is a father or son, or that anyone is similar to him, thus origin, extension, and resemblance are negated.

Al Ikhlāas equals 1/3 of the Qur'aan, because the name As Samad affirms completeness, and resemblance and partnership are negated. It is these three essentials which comprise monotheism.

As for Al Falaq and An Naas, they are a protection against all evil, because when one seeks the protection of Allaah from the evil which he has

created, he seeks protection from evil in general. As for one who seeks the protection of Allaah from the darkness of night, he seeks his protection from wicked souls which cannot emerge before nightfall.

As for one who seeks the protection of Allaah from the evil of those who blow upon knots, he seeks his protection from the evil of sorcery.

As for one who seeks the protection of Allaah from the evil of those who envy, he seeks his protection from wicked souls which harm others through jealousy.

As for the second chapter, it is a protection from the evil of Satanic beings, thus the first and second chapters are a protection from all evil, and they are quite preventative. For this reason, the prophet (may Allaah send salutations upon him) advised 'Uqba Bin 'Aamir to recite Al Falaq and An Naas at the end of every prayer as At Tirmidhee has mentioned. In this fashion, evil is repelled from prayer to prayer, and the prophet (may Allaah send salutations upon him) has said: (they are the best means of protection). It has been mentioned that a spell was cast upon him using eleven knots, and that Jibreel brought him Al Falaq and An Naas. Whenever he recited a verse, a knot would untie.

As for the conventional treatment which this prophetic tradition contains, salt may be used against many types of poison, especially scorpion stings.

Since the sting of a scorpion has firepower which should be cooled, withdrawn, and discharged, the prophet (may Allaah send salutations upon him) used water which cools the sting and salt which withdraws and discharges poison. This form of treatment is simple and complete, and the prophetic tradition indicates that this ailment is treated through cooling, withdraw, and discharge, and Allaah knows best.

Aboo Hurayra has said: a man came to the prophet (may Allaah send salutations upon him) and said: O messenger of Allaah (may Allaah send salutations upon him), I was stung by a scorpion last night, so he said: (it would not have harmed you had you said that evening: I seek the protection of the complete speech of Allaah from the evil which he has created). Narrated by Muslim.

You must know that divine medicine is effective both before and after an ailment develops. Whereas, conventional medicine is only effective once illness has surfaced. As a result, incantations either prevent sickness or prevent sickness from reaching fruition. Consequently, they are used to maintain health and to cure ailments.

As for the preservation of health, 'Aa'isha has said: when the messenger of Allaah (may Allaah send salutations upon him) would come to bed, he would blow upon his palms and recite Al Ikhlās, Al Falaq, and An Naas. He would then wipe his face and part of his body. Narrated by Al Bukhaaree and Muslim.

It has been relayed that ‘Awdha Abee Ad Dardaa has narrated that the prophet (may Allaah send salutations upon him) would say: (O Allaah, you are my lord. There is no deity worthy of worship except you. I have relied upon you, and you are the lord of the exalted throne) (if one says this at the beginning of the day, he will not be afflicted until evening. If one says this at the end of the day, he will not be afflicted until morning).

It has been narrated that the prophet (may Allaah send salutations upon him) has said (if one recites the last two verses of Al Baqara at night, they will suffice him). Narrated by Al Bukhaaree and Muslim.

It has been narrated that the prophet (may Allaah send salutations upon him) has said: (if one says when lodging: I seek the protection of the complete speech of Allaah from the evil which he has created, he will not be harmed until he departs). Narrated by Muslim.

It has been narrated that the prophet (may Allaah send salutations upon him) said during a night journey: (O earth, our lord is Allaah. I seek his protection from your evil and the evil of those upon you. I seek the protection of Allaah from lions, snakes, and scorpions). Narrated by Aboo Daawud.

As for treatment, the usage of Al Faatiha for scorpion stings etc. has preceded.

Chapter

His Guidance Concerning The Treatment Of An Namla

Anas has narrated that the messenger of Allaah (may Allaah send salutations upon him) allowed incantations for the fever, the eye, and an namla. Narrated by Muslim.

As Shifaa Bint ‘Abdillaah has said: the messenger of Allaah (may Allaah send salutations upon him) asked while I was with Hafsa: (will you not teach her the incantation of an namla as you taught her how to write?) Narrated by Aboo Daawud.

An Namla is a well known illness where sores appear upon the sides of the body, and it is referred to as an namla because one who suffers from this ailment feels that he is being bitten by ants.

Chapter

His Guidance Concerning The Incantation Of The Snake

The prophet (may Allaah send salutations upon him) has said: (incantations are only for the eye and the fever).

It has been narrated that ‘Aa’isha has said: the messenger of Allaah (may Allaah send salutations upon him) allowed incantations for snakes and scorpions.

It has been mentioned that Ibn Shihaab Az Zuhree has said: a snake bit some of the companions of the messenger of Allaah (may Allaah send

salutations upon him) , so he asked: (can anyone recite an incantation) ? The companions replied: O messenger of Allaah: Aalu Hazm used to recite the incantation of the snake until you prohibited it, so he said: (call 'Imaara Bin Hazm). Once he recited his incantation, the prophet (may Allaah send salutations upon him) said: (it is acceptable).

Chapter

His Guidance Concerning The Treatment Of Sores And Wounds

'Aa'isha has said: when a person was sore or wounded, the messenger of Allaah (may Allaah send salutations upon him) would do like this with his pointer finger, and Sufyaan touched the ground with his pointer finger, and then he raised it and said: (in the name of Allaah, our soil and saliva heals our ill with the permission of our lord). Narrated by Al Bukhaaree and Muslim.

This is a simple and effective treatment, and it is known that unadulterated soil is cold and arid, thus it dries sores and wounds. It also combats the heat of the illness.

The meaning of the prophetic tradition is: a person wets the tip of his pointer finger with saliva and touches the ground. He then touches the wound and recites the incantation, and it is blessed due to the name of Allaah, and also because it entails that one rely upon him. Consequently, two forms of treatment are combined, thus the effect is stronger.

Does (our soil) mean the entire land or only the land of Al Madeena? Both views are maintained, and there is no doubt that some soil is particularly beneficial.

The author of the Messianic Book has said: the soil of Mastic Island heals sores.

If this could be said about the soil of Mastic Island, then what about the purest and most blessed soil upon the face of the earth? In fact, it absorbed the saliva of the prophet (may Allaah send salutations upon him) , and his incantation was one of reliance upon Allaah. It has preceded that the strength of an incantation is commensurate with the reciter, and that the incantation effects the one whom he treats, and no Muslim physician who is intelligent and respectable would deny this.

Chapter

His Guidance Concerning The Treatment Of Pain With Incantations

It has been narrated that 'Uthmaan Bin Abee Al 'Aas informed the messenger of Allaah (may Allaah send salutations upon him) that he

suffered from pain ever since he accepted Islaam. As a result, the prophet (may Allaah send salutations upon him) said: (place your hand upon the effected area and say three times: in the name of Allaah. Then say seven times: I seek the protection of the power and greatness of Allaah from the evil which I have found). Narrated by Muslim.

This treatment entails that one remember Allaah and seek the protection of his power and greatness from the evil of pain, thus it is effective. In fact, like conventional treatment, it is most effective when repeated, and reciting an incantation seven times has special significance.

It has been narrated that the prophet (may Allaah send salutations upon him) would anoint some of his family members with his right hand saying: (O Allaah lord of man, provide healing, for you are the only healer). Narrated by Al Bukhaaree and Muslim.

This incantation entails that one beseech Allaah affirming his mercy and lordship. It also entails the affirmation that Allaah is the only healer. Consequently, this incantation entails that one beseech Allaah affirming his goodness and lordship, and it entails an affirmation of monotheism as well.

Chapter

His Guidance Concerning Treatment During The Aftermath Of An Affliction

The most high has said: {give glad tidings to those who are patient. When they are afflicted, they say: we return to and for Allaah. Their lord has mercy upon them and purifies them, and they are guided} [Al Baqara/155-156].

﴿وَبَشِّرِ الصَّابِرِينَ ﴿١٥٥﴾ الَّذِينَ إِذَا أَصَابَتْهُمُ مُصِيبَةٌ قَالُوا إِنَّا لِلَّهِ وَإِنَّا إِلَيْهِ رَاجِعُونَ ﴿١٥٦﴾ أُولَٰئِكَ عَلَيْهِمْ صَلَوَاتٌ مِّنْ

رَبِّهِمْ وَرَحْمَةٌ وَأُولَٰئِكَ هُمُ الْمُهْتَدُونَ ﴿١٥٧﴾﴾ [البقرة: 155-157]

The prophet (may Allaah send salutations upon him) has said: (if one who is afflicted says: we return to and for Allaah. O Allaah, reward me during my affliction, Allaah will assist and reward him). Narrated by Ahmad.

This is one of the most effective forms of treatment, and it yields long term benefit, because it comprises two major premises.

1. A slave, his family, and his wealth are the property of Allaah the magnificent, and he has lent his slaves the former and latter. Consequently, when he takes them, he is like a person who takes what he has lent. In addition, slaves do not originate their wealth and families, nor do they protect them, so they cannot own them.

A slave is subject to the injunction of Allaah regarding his wealth and family, thus he cannot defy this injunction.

2. Slaves will return to Allaah, hence they will reach him as they were when he created them, i. e. without their wealth and families. Rather, they will arrive with their deeds, hence the most effective treatment in this regard is for a slave to reflect upon his origin and destination. He should also be certain that if an affliction transpires, it is unavoidable. Otherwise, he cannot be harmed. The most high has said: **{every affliction which has transpired was predestined, and this was easy for Allaah. You should not despair due to loss, nor should you rejoice when Allaah gives to you, and he does not love the arrogant}** [Al Hadeed/22-23].

﴿مَا أَصَابَ مِنْ مُصِيبَةٍ فِي الْأَرْضِ وَلَا فِي أَنْفُسِكُمْ إِلَّا فِي كِتَابٍ مِنْ قَبْلِ أَنْ نَبْرَأَهَا إِنَّ ذَلِكَ

عَلَى اللَّهِ يَسِيرٌ ﴿٢٢﴾ لِكَيْلَا تَأْسَوْا عَلَى مَا فَاتَكُمْ وَلَا تَفْرَحُوا بِمَا آتَاكُمْ وَاللَّهُ لَا يُحِبُّ

كُلَّ مُخْتَالٍ فَخُورٍ ﴿٢٣﴾ [الحديد: 23]

If one looks at his affliction, he will find that his lord has given him something akin to what he has lost or even better. In fact, he will find that his lord has reserved something for him which is far greater if he would only persevere.

One should look at those who suffer in order to find solace, and if he searched the world, he would realize that all people are tried in some manner. He will also realize that although the world can make you laugh a little, it can make you cry much more.

Ibn Mas'ood has said: joy is accompanied by sadness, and a home that is filled with joy will become filled with sorrow.

Ibn Seereen has said: one never laughs without weeping thereafter.

Hind Bint An Nu'maan has said: we were once the greatest of people, though we became the least of people before sunset.

One must know that sorrow does not offset adversity. In fact, it only makes matters worse.

One must know that it is a greater affliction to be deprived of the reward of patience, i. e. mercy, guidance, and purification.

One must know that if he is sad, Shaytaan and his enemies will be delighted and Allaah will be angry. In addition, he will become weak and will be deprived of a reward. However, if he is patient and expectant of a reward, Shaytaan and his enemies will be miserable and Allaah will be pleased. Perseverance is this and not slapping ones cheeks and tearing ones clothes.

One must know that when a person is patient, a joy ensues which is far greater than that which is experienced prior to tribulation. In fact, a home entitled the house of praise is built for him in paradise, so he should see if his affliction is greater than losing a home in the eternal abode.

It has been narrated that the prophet (may Allaah send salutations upon him) has said: (on the day of resurrection people will wish that their flesh was cut with scissors on earth once they see the reward of the afflicted). Narrated by At Tirmidhee.

Some of the early believers have said: if it were not for tribulation, we would be resurrected bankrupt.

One should remain hopeful that Allaah will replace what he has lost, because anything can be replaced except Allaah. It has been said:

anything which you waste can be replaced though if you forsake Allaah, he cannot be replaced

One must know that if he is pleased with adversity, Allaah will be pleased with him. Conversely, if he is displeased, Allaah will be displeased with him.

If one is displeased and disbelieves, he will be recorded in the book of the ruined.

If one is sad and neglects and obligation or performs an unlawful act, he will be recorded in the book of the neglectful.

If one neglects to be patient and, he will be recorded in the book of the cheated.

If one denies the wisdom of Allaah, he is likely to become a heretic.

If one is perserverent for the sake of Allaah, he will be recorded in the book of the patient.

If one is pleased with the decree of Allaah, he will be recorded in the book of the content.

If one is grateful, he will be recorded in the book of the thankful and he will stand beneath the banner of praise with those who extol Allaah.

If one longs to meet his lord, he will be recorded in the book of sincere lovers.

Mahmood Bin Labeed has narrated that the prophet (may Allaah send salutations upon him) has said: (when Allaah loves a people, he tries them. Consequently, if one is pleased, Allaah will be pleased with him, and if one is displeased, Allaah will be displeased with him). Narrated by At Tirmidhee and Ahmad, and Ahmad has added: (if one is sad, then sad he will be).

One must know that patience is not commendable once one can grieve no more.

Some of the wise have said: an intelligent person behaves during the beginning of a trial how an ignorant person behaves days later. The prophet (may Allaah send salutations upon him) has said: (one is patient after the initial blow).

One must know that the most effective medicine is to comply with the wishes of his lord. In fact, the secret of love is to conform with one who is

dear to you. As a result, if one claims to love another while loving what he hates and hating what he loves, he has declared himself a liar.

Aboo Ad Dardaa has said: Allaah wishes for people to be pleased with his decree.

‘Imraan Bin Husayn said during his illness: I love most what he loves most.

Aboo Al ‘Aaliyya has said: this is a medicine which only lovers can benefit from.

One must weigh the pleasure which he enjoyed before tribulation and the pleasure which he will enjoy when rewarded by Allaah. If it appears to him that both are of equal weight and he prefers the latter, he should praise Allaah. However, if he prefers the former, he should be aware that mental, spiritual, and religious afflictions are greater than worldly afflictions.

One should know that he has been tried by the most prudent of judges who is most merciful. He should also know that the glorified has not tried him as a punishment. Rather, he has done so in order to test his patience and to hear his grievances.

‘Abdul Qadir has said: O my son, affliction has not come to destroy you. Rather, it has come to test your patience. O my son, the decree of Allaah is a carnivore which does not eat the dead.

The point is this, tribulation is the bellows of a slave. Consequently, if it is not effective, a more effective bellows awaits, so if one knows that the former is better and that one of the two is unavoidable, he will appreciate being spared the latter.

One must know that if it were not for affliction, a slave would suffer from arrogance and hard-heartedness which would lead to his destruction sooner or later. As a result, the medicine of affliction is a mercy which prevents the aforementioned ailments while maintaining the health of ones servitude. It has been said:

Allaah blesses with trials which are sometimes great and he tries with blessings

If the glorified did not administer the medicine of affliction, his slaves would become unjust. However, when Allaah the glorified wishes his slaves well, he administers the medicine of affliction. Once his slaves are cleansed, they become deserving of servitude which is the greatest honor which one can attain on earth. In addition, they receive the greatest reward which one can attain in the afterlife, namely the sight of Allaah.

One must know that the bitterness of this life is the sweetness of the afterlife and vice versa. He must also know that it is better for eternal sweetness to follow temporary bitterness than it is for eternal bitterness to follow temporary sweetness. If you cannot realize this, look at what the prophet (may Allaah send salutations upon him) has said: (paradise is

surrounded by aversion, and the fire is surrounded by desire).

Intellect has fluctuated in this regard, and the true nature of man has come to light. Namely, the majority prefer temporary sweetness and will not tolerate the bitterness of an hour for the sweetness of an eternity. This is because they consider the present known and the future unknown. In addition, their faith is weak and their desires dominate, hence they prefer this life instead of the nextlife.

Prompt yourself to consider the eternal bliss which Allaah has reserved for his beloved as well as the eternal remorse which he has reserved for the negligent. Thereafter, decide which segment befits you.

Chapter

His Guidance Concerning

The Treatment Of Sorrow, Anxiety, And Adversity

It has been narrated that the messenger of Allaah (may Allaah send salutations upon him) would say during times of sorrow: (there is no deity worthy of worship except Allaah the great and forbearing. There is no deity worthy of worship except Allaah the lord of the exalted throne. There is no deity worthy of worship except Allaah lord of the seven heavens and the earth). Narrated by Al Bukhaaree and Muslim.

Anas has narrated that when the messenger of Allaah (may Allaah send salutations upon him) faced adversity, he would say: (O living and self-subsisting, I seek the aid of your mercy). Narrated by At Tirmidhee.

It has been relayed that Aboo Hurayra has narrated that when the prophet (may Allaah send salutations upon him) suffered from anxiety, he would look to the sky and say: (glory be to Allaah the exalted). When he would supplicate diligently, he would say: (O living and self-subsisting). Narrated by At Tirmidhee.

Aboo Bakr As Siddeeq has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (the supplication of one facing adversity is: O Allaah, I hope to receive your mercy, so do not leave me to my own devices for the blink of an eye, and rectify all of my affairs. There is no deity worthy of worship except you). Narrated by Aboo Daawud.

Asmaa Bint 'Umays has said: the messenger of Allaah (may Allaah send salutations upon him) asked: (shall I teach you words which you may say during times of adversity? Allaah is my lord and I am not at all a polytheist). The following has also been narrated: (this is said seven times). Narrated by Aboo Daawud.

Ibn Mas'ood has narrated that the prophet (may Allaah send salutations upon him) has said: (a slave who suffers from sadness or anxiety will experience joy thereafter if he says: I am your slave who is the son of your

two slaves, and you hold me by the forelock. You are my judge and your decree is just. I ask you by all of your names to make the exalted Qur'aan the spring of my heart and the light of my chest which will relieve me of sorrow and anxiety). Narrated by Ahmad.

Sa'd Bin Abee Waqqaas has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (the supplication of Dhoo An Noon inside the whale was: there is no deity worthy of worship except Allaah. Glory be to you, I have indeed been unjust. Whenever a Muslim man supplicates as such, he will receive a response). Narrated by At Tirmidhee.

The following has also been narrated: (Allaah will relieve the burden of one who says what my brother Yoonus said).

Aboo Sa'eed Al Khudree has said: the messenger of Allaah (may Allaah send salutations upon him) entered the masjid one day and asked Aboo Umaama: (O Aboo Umaama, why do I see in the masjid outside of prayer time) ? He replied: debt and anxiety O messenger of Allaah, so he asked: (shall I teach you speech which will cause Allaah the magnificent to relieve your anxiety and pay your debt) ? He replied: you certainly should O messenger of Allaah. He said: (say morning and evening: O Allaah, I seek your protection from anxiety and sorrow. I seek your protection from laziness and incapacity. I seek your protection from cowardice and miserliness, and I seek your protection from overwhelming debt and subjugation). I said this and Allaah the magnificent relieved my anxiety and paid my debt. Narrated by Aboo Daawud.

It has been narrated that Ibn 'Abbaas has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (if one continues to seek the forgiveness of Allaah, he will relieve his anxiety and grant him unexpected provision). Narrated by Aboo Daawud.

It has been narrated that when the prophet (may Allaah send salutations upon him) would face difficulty, he would perform prayer. The most high has said: **{seek aid through patience and prayer}** [Al Baqara/45].

﴿وَأَسْتَعِينُوا بِالصَّبْرِ وَالصَّلَاةِ﴾ [البقرة: 45]

Narrated by Ahmad.

The prophet (may Allaah send salutations upon him) has said: (you must engage in jihaad, because it is one of the gates of paradise, and with jihaad Allaah offsets anxiety and sorrow).

It has been mentioned that Ibn 'Abbaas has narrated that the prophet (may Allaah send salutations upon him) has said: (if ones worries and misery amass, he should frequently say: Allaah is the only source of strength).

The following has also been narrated: (it is one of the treasures of paradise). Narrated by Al Bukhaaree and Muslim.

(it is one of the gates of paradise). Narrated by At Tirmidhee.

These medicines comprise fifteen other medicines, so if one of them does not relieve sorrow and anxiety, then the ailment is one which requires complete expulsion.

The fifteen medicines:

1. the monotheism of lordship
2. the monotheism of divinity
3. the monotheism of knowledge and creed
4. affirming that the lord most high cannot not oppress his slaves
5. the confession of a slave that it is he who is oppressive
6. beseeching the lord most high with his names and attributes

The names and attributes of Allaah are most beloved to him, and the living and self-subsisting are his most comprehensive names.

7. seeking the aid of Allaah alone
8. hope
9. reliance upon Allaah

In this case, one confesses that Allaah manipulates him and judges him fairly.

10. seeking spiritual renewal through the Qur'aan

In this case, one seeks light, solace, and healing through the Qur'aan. Consequently, it relieves sorrow and anxiety.

11. seeking the forgiveness of Allaah
12. repentance
13. jihaad
14. prayer
15. confessing that Allaah is the source of strength

Chapter

An Illustration Of The Effectiveness Of These Medicines

Allaah the glorified has created man and his body parts, and each of them he has perfected. When one of these body parts is incomplete, pain is felt. This also applies to the heart.

When eyes, ears, and tongues lose the ability to function as intended, they are incomplete.

The heart has been created to know, love, and worship it's creator. In fact, this is how the heart remains alive, thus knowing, loving, and worshipping Allaah is akin to nourishment and good health in this case. As a result, when the heart becomes ill or malnourished, sorrow and anxiety ensue.

Amongst the most severe ailments which afflict the heart are:

- polytheism
- sin
- neglect

relying upon others instead of Allaah

disliking the decree of Allaah

being skeptical concerning what Allaah has promised

If you were to reflect upon ailments of the heart, you would find that these and other factors are the sole cause, hence the sole remedy is prophetic and entails reverse treatment. This is because an illness is cured with what is opposite and health is preserved with what is similar.

Monotheism allows a slave to experience joy and repentance discharges the harmful matter which has caused his illness.

Some leading contemporary physicians have said: one who wants good physical health should reduce his intake of food and drink, and one who wants good spiritual health should avoid sin.

Thaabit Bin Qurra has said: eating less relaxes the body, sinning less relaxes the soul, and speaking less relaxes the tongue.

Sin afflicts the heart like poison, and when sin does not kill the heart, it weakens it. Once the heart becomes weak, it can no longer combat illness. The heart physician 'Abdullaah Bin Al Mubaarak has said:

I have seen how sin kills hearts and one who sins habitually is degraded

Whereas, avoiding sin preserves hearts thus it is better for you to disobey sin

Consequently, the heart is afflicted most by desire, and there is no medicine better than opposing ones desires. The soul has essentially been created ignorant and unjust, thus it thinks that it will recover by following it's desires. Since the soul is unjust, it does not accept treatment from a conscientious physician. In fact, it considers an ailment it's cure and it's cure an ailment. As it gravitates toward ailments and avoids remedies, a variety of illnesses arise which physicians cannot cure.

The soul vindicates itself and blames it's lord, and eventually this blame is articulated. This is the most severe affliction. Once a patient reaches this state, his recovery will not be likely unless his lord has mercy upon him and grants him a new life. For this reason, the narration of Ibn 'Abbaas concerning the supplication of adversity comprises the monotheism of lordship and divinity, and it describes the glorified lord as being exalted and forbearing. These two characteristics necessitate capability, mercy, and goodness. They also necessitate his description as sustainer of the higher and lower worlds as well as the throne which is the ceiling of creation and the greatest of creation. As for the monotheism of lordship, it necessitates that only he is deserving of worship. As for his greatness, it necessitates the affirmation of his perfection and uniqueness. As for his forbearance, it necessitates that he is kind and merciful toward his creation.

As a result, once the heart is aware of this, it is obliged to love and exalt Allaah, and it is also obliged to be monotheistic. Consequently, it

experiences a joy which offsets the pain of adversity and anxiety. In fact, you have seen how happiness helps a patient recover, thus it is only fitting that the heart do so as well.

If you were to compare the constraint of difficulty to the vastness of the attributes which the supplication of adversity comprises, you would find that it indeed befits one who seeks relief from this constriction. However, this is only affirmed by one who is illuminated by the light of this reality.

As for the ability of: (O living and self-subsisting, I seek the aid of your mercy) to offset this illness, the attribute of life comprises all attributes of perfection, and the attribute of self-subsistence comprises all attributes of action. For this reason, the greatest name of Allaah is the living and self-subsisting, and he responds when called by this name.

Life opposes all forms of illness, and since the life of the people of paradise is complete, they do not suffer sorrow or anxiety. Otherwise, the self-subsistence of Allaah would be negated, thus beseeching Allaah as the living and self-subsisting is an effective means of combating what opposes life and action.

Similarly, the prophet (may Allaah send salutations upon him) implored Allaah as the sustainer of Jibreel, Meekaa'eel, and Israafeel asking him to guide him to the truth. This is because the heart lives by guidance, and Allaah has entrusted these three angels with life. As a result, Jibreel has been entrusted with revelation which gives life to hearts, Meekaa'eel has been entrusted with rain which gives life to animals and human beings, and Israafeel has been entrusted with the blowing of the horn which will revive the world. Consequently, beseeching the glorified as the sustainer of these great souls is an effective means of achieving an end.

The point is this, the name the living and self-subsisting is a uniquely effective means of receiving a response from Allaah, and it relieves hardship as well. Aboo Haatim has narrated that the prophet (may Allaah send salutations upon him) has said: the greatest name of Allaah is found within these two verses: **{your deity is one, and there is no deity worthy of worship except he the gracious and compassionate}** [Al Baqara/163].

﴿وَاللَّهُ كَرِيمٌ ۝ لَا إِلَهَ إِلَّا هُوَ الرَّحْمَنُ الرَّحِيمُ ۝﴾ [البقرة: 163]

{Alif laam meem. Allaah is the only deity worthy of worship, he is the living and self-subsisting} [Aalu 'Imraan/1-2].

﴿آل ۝ اللَّهُ لَا إِلَهَ إِلَّا هُوَ الْحَيُّ الْقَيُّومُ ۝﴾ [آل عمران: 1-2]

At Tirmidhee has said: an authentic prophetic tradition.

Anas has narrated that a man supplicated as follows: (O Allaah, I ask of you because you are praiseworthy. You are the only deity worthy of worship. You are the benefactor and creator of the heavens and earth. O

possessor of honor and magnificence, O living and self-subsisting). As a result, the prophet (may Allaah send salutations upon him) said: (he has called Allaah by his greatest name, and one who does so receives a response). Narrated by Ibn Hibbaan.

For this reason, when the prophet (may Allaah send salutations upon him) would supplicate diligently, he would say: (O living and self-subsisting).

He has said: (O Allaah, I hope to receive your mercy, so do not leave me to my own devices for the blink of an eye, and rectify all of my affairs. There is no deity worthy of worship except you). This affirms that man should be hopeful concerning the one who possesses all good. This affirms that he should rely upon him. This affirms that one should humbly implore him to rectify his affairs, and this affirms that one should beseech him monotheistically. This is a highly effective means of treatment, and the prophet (may Allaah send salutations upon him) has also said: (Allaah is my lord and I am not at all a polytheist). As for the following narration of Ibn Mas'ood: (O Allaah, I am your slave and the son of your slave), it contains more secrets than a book could mention, because it comprises a confession of servitude and helplessness.

The prophet (may Allaah send salutations upon him) has said: (you are my judge and your decree is just). This comprises two fundamentals which monotheism revolves around:

1. This affirms the decree of Allaah and that his slaves cannot escape his rule.

2. This affirms that the glorified is just. In reality, oppression results either from necessity, ignorance, or foolishness. As a result, it is impossible that one who is all knowing, self-sufficient, and most prudent could be unjust.

The prophet of Allaah Hood has said: **{I call upon Allaah as a witness, and me you be my witness that I am innocent of your polytheism. Conspire against me in unison and do not delay, because I have relied upon our lord. He holds the forelock of every beast, and my lord is upon a straight path}** [Hood/54-56].

﴿إِنِّي أَشْهَدُ اللَّهَ وَأَشْهَدُوكُمْ أَنِّي بَرِيءٌ مِمَّا تُشْرِكُونَ ٥٤﴾ مِّنْ دُونِهِ فَكِدُونِي جَمِيعًا ثُمَّ لَا تُنْظِرُونَ ٥٥﴾

﴿إِنِّي تَوَكَّلْتُ عَلَى اللَّهِ رَبِّي وَرَبِّكُمْ مَا مِن دَابَّةٍ إِلَّا هُوَ آخِذٌ بِنَاصِيَتِهَا ٥٦﴾ إِنَّ رَبِّي عَلَى

صِرَاطٍ مُسْتَقِيمٍ ﴿٥٦﴾ [هود: 54-56]

Although the glorified manipulates his creation, he does so wisely, justly, and kindly. Consequently, the statement: (your decree is just) conforms with the statement: **{my lord is upon a straight path}**.

The prophet (may Allaah send salutations upon him) implored his lord with names which his slaves know and do not know, and this is the most beloved and effective means of appeal.

He asked Allaah to make the Qur'aan a source of renewal and solace for him, thus it was akin to a medicine.

As for the supplication of Dhoo An Noon, it comprises monotheism and a confession of guilt, thus it is one of the most effective means of treating adversity. It is also most conducive for one in need, because monotheism entails the affirmation that Allaah is perfect. Whereas, a confession of guilt entails that a slave believe in recompense, and it obliges him to acknowledge his servitude and to obey Allaah.

As for the following narration of Aboo Umaama: (O Allaah, I seek your protection from sorrow and anxiety) , it comprises an appeal for protection from eight matters, and each of them has a counterpart. As a result, the following are brothers:

- sorrow and anxiety
- laziness and incapacity
- cowardice and miserliness
- debt and subjugation

When the heart suffers due to the past, sorrow is the result. When it suffers due to the future, anxiety is the result, and a slave becomes heedless of his welfare thereafter. This is caused either by incapacity or laziness.

When one does not benefit himself and his people with his body, the cause is cowardice. When one does not benefit himself and his people with his wealth, the cause is miserliness and subjugation. However, when subjugation is justified, the cause is debt. Consequently, the aforementioned prophetic tradition comprises an appeal for protection from all forms of evil. As for the efficacy of seeking the forgiveness of Allaah as a treatment for sorrow and anxiety, members of various faiths and intellectuals of various nations know that sin begets sadness, unease, and spiritual illness. In fact, some commit sins to offset this sorrow and anxiety, and the leader of the disobedient has said:

One glass of wine I enjoyed and the other I drank as a treatment

If this is the effect which sin has upon the heart, then repentance and seeking the forgiveness of Allaah is the only medicine.

As for prayer, it is a most effective means of attaining happiness and inner strength. Through prayer, the heart and soul become connected with Allaah, and this proximity is a medicine. However, it only befits those whose hearts are well.

As a result, prayer is one of the best means of attaining spiritual and material gain, and it is also one of the best means of avoiding spiritual and material loss. Prayer prevents sin and combats physical and spiritual illness,

it also illuminates the heart and whitens the face. It increases energy and sustenance and aids the oppressed. It yields mercy, relieves sorrow, and it is an effective treatment for stomach pain. It has been narrated that Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) saw me as I suffered from stomach pain, so he asked: (does your stomach ache) ? I replied: yes, O messenger of Allaah, so he said: (rise and pray, because prayer is a healing). Narrated by Ibn Maajah. It has also been narrated that Aboo Hurayra said this to Mujaahid.

If heretical physicians cannot accept this form of treatment, they should be addressed as follows: prayer is a physical and spiritual exercise since it comprises a variety of movements, and the soul becomes strong through prayer. Consequently, the body becomes strong as well, thus pain is relieved. However, the disease of heresy and atheism can only be cured in hell.

As for the efficacy of jihaad as a treatment for sorrow and anxiety, the most high has said: **{fight them and Allaah will punish them at your hands. He will grant you victory and heal a people who believe, and he will calm their anger}** [At Tawba/14-15].

﴿فَنَلُوهُمْ بِعَذَابِهِمُ اللَّهُ بِأَيْدِيكُمْ وَيُخْزِهِمْ وَيَبْطِرُهُمْ وَيَشْفِ صُدُورَ قَوْمٍ مُّؤْمِنِينَ ۖ﴾

وَيُذْهِبْ غَيْظَ قُلُوبِهِمْ ﴿التوبة: 14-15﴾

Consequently, jihaad is the best form of treatment for sorrow and anxiety, and it is Allaah whose assistance is sought.

As for the efficacy of the statement “Allaah is the only source of strength” as a treatment for sorrow and anxiety, it is a statement of submission and helplessness, and the following has been narrated: angels descend to earth and ascend to heaven upon the statement “Allaah is the only source of strength”. This statement is also an amazing deterrent against Shaytaan, and it is Allaah whose assistance is sought.

Chapter

His Guidance Concerning The Treatment Of Insomnia

‘Amr Bin Shu’ayb, his father, and his grandfather have narrated that the messenger of Allaah (may Allaah send salutations upon him) taught them the following supplication for insomnia: (I seek the protection of the complete speech of Allaah from his anger, his punishment, his slaves, and the whispering of demons, and I seek your protection O lord lest they appear). Narrated by At Tirmidhee who has said: ‘Abdullaah Bin ‘Amr taught his children these words, and he hung them from the necks of those who did not understand their meaning. Consequently, it is evident that this treatment is appropriate.

Chapter

His Guidance Concerning The Treatment Of Burning

'Amr Bin Shu'ayb and his father have narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (if you detect burning, extinguish it by uttering the takbeer). Burning is caused by fire which Shaytaan was created from, and fire befits him since it is destructive. Fire naturally seeks to rise and cause ruin, and this is the guidance of Shaytaan which brings man to his downfall. Consequently, both fire and Shaytaan desire ascendancy and deterioration. However, the greatness of the magnificent lord has conquered Shaytaan.

For this reason, uttering the takbeer is helpful when seeking to relieve burning, because there is no substitute for the greatness of Allaah. Consequently, when a Muslim utters the takbeer, it helps to extinguish Shaytaan and the fire which he was created from, thus burning is relieved. In fact, we and others know this from experience, and Allaah knows best.

Chapter

His Guidance Concerning The Preservation Of Health

The body remains healthy with the aid of moisture. Moisture fights heat, though it also nourishes it, thus if moisture did not exist, the body would become dehydrated.

Heat preserves moisture and moisture nourishes heat, and when the former or latter becomes disproportionate, an imbalance results.

The most high has said: **{eat and drink and do not be excessive}** [Al A'raaf/31].

﴿وَكُلُوا وَاشْرَبُوا وَلَا تُسْرِفُوا﴾ [الأعراف: 31]

As a result, he has instructed his slaves to eat and drink only what is necessary, thus one who goes beyond this point is excessive. In reality, not only is it unhealthy to eat and drink too much, though it is also unhealthy to eat and drink too little. Consequently, the preservation of health lies within this divine statement.

If one reflects upon the guidance of the prophet (may Allaah send salutations upon him), he will realize that it offers the best means of health preservation, namely moderation in terms of:

- food
- drink
- dress
- domicile
- sleep
- movement
- marriage

Consequently, if moderation is observed in this regard in terms of age, body, locale, and custom, perpetual good health is likely.

Since good health and well being are some of the greatest blessings, they should be preserved. Ibn ‘Abbaas has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (there are two blessings which many people do not take advantage of: good health and spare time). Narrated by Al Bukhaaree.

‘Ubaydullaah Bin Muhsin Al Ansaaree has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (if one awakes in a state of physical well being while secure and has enough food for the day, it is as if he has attained the world). Narrated by At Tirmidhee.

Aboo Hurayra has narrated that the prophet (may Allaah send salutations upon him) has said: (when a slave is questioned about his blessings, he will first be asked: did we not grant you a sound body and cold water) ? Narrated by At Tirmidhee.

As a result, some of the early believers have said the following concerning the following statement of Allaah the most high: **{then you shall be questioned about your blessings}**, i. e. good health.

It has been narrated that the prophet (may Allaah send salutations upon him) said to Ibn ‘Abbaas: (O ‘Abbaas O uncle of the messenger of Allaah, ask Allaah for well being in this life and the next). Narrated by Ahmad.

Aboo Bakr As Siddeeq has said: I have heard the messenger of Allaah (may Allaah send salutations upon him) say: (ask Allaah for forgiveness and well being, because once someone has been granted certainty, he can attain nothing better than well being). Narrated by Ahmad.

It has been narrated that the prophet (may Allaah send salutations upon him) has said: (Allaah is not asked for anything more beloved to him than well being). Narrated by At Tirmidhee.

‘Abdur Rahmaan Bin Abee Layla has narrated that Aboo Ad Dardaa has said: I said: O messenger of Allaah, I would rather be grateful for well being than to be patient during tribulation. As a result, the messenger of Allaah (may Allaah send salutations upon him) said: (and the messenger of Allaah also likes well being).

It has been mentioned that Ibn ‘Abbaas has narrated that a bedouin came to the messenger of Allaah (may Allaah send salutations upon him) and asked: what should I ask of Allaah other than the five prayers? He replied: (ask Allaah for well being). The bedouin repeated himself twice, and the messenger of Allaah (may Allaah send salutations upon him) finally replied: (ask Allaah for well being in this life and the next).

If this could be said regarding good health and well being, then we will mention prophetic guidance concerning their preservation. Consequently, it will become evident to one who examines this guidance that it is the best

means of maintaining physical and spiritual health, and it is Allaah whose aid is sought.

Chapter

His Guidance Concerning Eating And Drinking

As for eating and drinking, it was not his practice to limit himself to one type of food, because this is extremely harmful.

Rather, he would eat like the people of his locale. Refer to his guidance concerning nutrition.

He would not eat food which he disliked, and this is a cornerstone of health preservation. As a result, when a person eats food which he dislikes, the harm outweighs the benefit. Anas has said: the messenger of Allaah (may Allaah send salutations upon him) never criticized food. If he craved it, he would eat it. Otherwise, he would avoid it. Once he was offered grilled bear, though he did not eat it. Consequently, someone asked him: is it unlawful? He replied: (no, it is only foreign to my people, thus I do not like it).

He was fond of meat, and his favorite part was the arm. As a result, poison was placed in the arm of a sheep, and the following has been narrated: meat was brought to the messenger of Allaah (may Allaah send salutations upon him) , so the arm was given to him, and he liked the arm. Narrated by Al Bukhaaree and Muslim.

Aboo 'Ubayda and others have mentioned that Dabaa'a Bint Az Zubayr slaughtered a sheep, thus the messenger of Allaah (may Allaah send salutations upon him) sent a messenger to her to request a portion of the sheep. As a result, she said to him: only the knee remains, and it would embarrass me to send it to the messenger of Allaah (may Allaah send salutations upon him). Thereafter, the messenger relayed the message and the prophet (may Allaah send salutations upon him) said: (return and tell to her to send it, because it is the least harmful part of the sheep).

Undoubtedly, the knee of a sheep has less meat while the meat of the arm and shoulder are the lightest and easiest to digest. Consequently, foods should be sought which are light, nutritious, and easy to digest. This is the best type of food, and a small quantity of this food is more beneficial than a greater quantity of another food.

The prophet (may Allaah send salutations upon him) was fond of sweets and honey, and meat, honey, and sweets are some of the best foods. Consequently, they are only avoided by one who is ill.

He would eat bread with whatever topping was available, and sometimes he would use meat. It has been narrated that he has said: (it is the leading food of this life and the next). Narrated by Ibn Maajah and others. He would also add watermelon and dates.

Wheat bread is cold and dry while dates are hot and moist according to the most accurate opinion, hence they are a suitable topping, especially for those such as the people of Al Madeena who are accustomed to dates and wheat bread.

The prophet (may Allaah send salutations upon him) also used vinegar as a topping, and he has said: (vinegar is an excellent topping). However, this does not mean that vinegar is the best topping as ignorant people have been lead to believe. Rather, the prophet (may Allaah send salutations upon him) was given bread, so he asked his family: (do you have a topping) ? They replied: We only have vinegar, so he said: (vinegar is an excellent topping).

The point is this, adding toppings to bread is a means of preserving good health as opposed to eating only one or the other.

He would eat the fruit of his locale, and this is another means of health preservation, because Allaah the glorified has wisely placed fruit within each locale which is beneficial at certain times. Consequently, it is a substitute for many different medicines. In fact, those who avoid the fruit of their local fearing illness are the sickest of people.

Chapter

His Guidance Concerning Eating Posture

The prophet (may Allaah send salutations upon him) has said: (I do not eat while leaning) (I sit and eat like a slave).

Ibn Maajah has narrated that he forbade a man to eat face down.

Leaning has been described as sitting cross legged and lying upon ones side, and all of these postures are essentially the same. As for leaning upon ones side, it prevents food from reaching the stomach with ease.

As for the other two postures, they negate servitude. For this reason, the prophet (may Allaah send salutations upon him) has said: (I eat like a slave). It has been mentioned that he would sit placing the sole of his left foot against the top of his right foot, and it has also been mentioned that he did so as a display of humility for his magnificent lord, and also out of respect for his food and guest. Consequently, this is the most beneficial and virtuous posture, because in this case, all body parts are as Allaah the glorified created them. Conversely, the worst posture is to lie upon ones side since the stomach does not remain as intended.

If the meaning of leaning is to lie against a pillow, then the meaning of the aforementioned prophetic tradition is that he would not lie against pillows like tyrants and those who consume large amounts of food.

Chapter

His Guidance Concerning Eating With Three Fingers

He would eat with three fingers, and this is most beneficial, because one

who eats with one or two fingers does not become full as quickly, nor is his food as savory. As for eating with five fingers, it causes constipation. As a result, the most advantageous mode of eating is to do so with three fingers like the prophet (may Allaah send salutations upon him) and those who emulated him.

Chapter

If one were to reflect upon the eating habits of the prophet (may Allaah send salutations upon him) , he would find that he never combined milk and fish or milk and citrus, nor would he combine two foods which were alike or opposite.

He would not eat food which was extremely hot, food which remained overnight, or food which was salty, and all of these foods are harmful.

He would offset the harm of one food by using another food. As a result, he would offset hot food with cold food and would offset dry food with moist food, thus he ate dates and butter.

He enjoined dinner, even with a handful of dates. It has been narrated that he has said: (avoiding dinner causes senility). Narrated by At Tirmidhee and Ibn Maajah.

Aboo Na'eem has mentioned that he forbade that one sleep on a full stomach, and it has been mentioned that this hardens the heart.

Based upon this, physicians advise those who seek good health to walk after dinner and not to sleep thereafter. Muslim physicians say: one should perform prayer shortly after dinner so that his food may settle and digest with ease.

It was not the practice of the prophet (may Allaah send salutations upon him) to drink upon a full stomach lest his food be ruined, especially if the water which he drank was hot or cold.

It is disliked to drink water after:

exercise

fatigue

sexual intercourse

eating (it is also disliked to drink water beforehand)

eating fruit

bathing

sleep

All which has preceded negates the preservation of good health.

Chapter

His Guidance Concerning Drinking

As for the guidance of the prophet (may Allaah send salutations upon him) concerning drinking, it is one of the best means of health preservation,

because he used to drink honey and cold water. However, only esteemed physicians are aware of this.

Drinking honey and cold water on an empty stomach dissolves phlegm and washes the stomach, the liver, the kidney, and the bladder. In fact, honey is more conducive to the stomach than other sweets, and drinking honey and cold water is more beneficial than drinking most beverages which derive from sugar. This applies especially to those who are not accustomed to these drinks.

As for drinks which are cold and sweet, they are one of the best means of health preservation, and the heart, soul, and liver crave them. In addition, they are nutritious and aid the movement of food.

Physicians do not agree that the body is nourished. However, some physicians have established that the body is nourished based upon the fact that it develops and becomes stronger.

They have said: there are numerous common denominators between animals and foliage, amongst which are growth and nourishment.

We do not deny that most nutrition is found in food. Rather, we deny that water has absolutely no nutritional value.

Food is nutritious because it contains water. Otherwise, it would not be nutritious.

Water sustains animals and foliage, and if an entity is closer to a substance, it could undoubtedly receive nourishment from it. Consequently, this would apply even moreso if an entity consisted of that substance. Allaah the most high has said: **{we have created all living things from water}** [Al Anbiyaa/30].

﴿وَجَعَلْنَا مِنَ الْمَاءِ كُلَّ شَيْءٍ حَيٍّ﴾ [الأنبياء:30]

Thus we cannot deny that this life giving substance is nutritious.

We have seen how a person regains strength after his thirst has been quenched with cold water, and only a small amount of food suffices him. We have also seen how a large amount of water does not suffice a thirsty person. We do not deny that water brings food throughout the body and that it is an integral part of nutrition. Rather, we deny that water has absolutely no nutritional value.

Other physicians have denied that water is nutritious asserting that it is basically insufficient and is not a substitute for food. They also assert that it does not increase growth etc.

The point is this, when water is mixed with something sweet like honey, raisins, dates, or sugar, it is most beneficial. For this reason, the prophet (may Allaah send salutations upon him) was most fond of beverages which were cold and sweet.

Since water which has remained overnight is most advantageous, the

prophet (may Allaah send salutations upon him) asked Aboo Al Haythaam Bin At Tayhaan: (do you have any water which has remained overnight in a flask) ? (...if you have water which has remained over night. Otherwise, we will drink from the basin). Narrated by Al Bukhaaree.

Particles separate from water which has remained over night, and it has been mentioned that the prophet (may Allaah send salutations upon him) preferred this water.

Water which has remained overnight in leather flasks is better tasting than water which is kept in clay and stone containers. For this reason, the prophet (may Allaah send salutations upon him) requested water which remained overnight in a leather flask.

'Aa'isha has said: the prophet (may Allaah send salutations upon him) was most fond of drinks which were cold and sweet. This could possibly refer to sweet water such as spring and well water, and it could possibly refer to water mixed with honey, and water in which raisins and dates are steeped. It is also said that this refers to both the former and latter, and this is more apparent.

He has said: (...if you have water which has remained over night. Otherwise, we will drink from the basin). This proves that one may drink directly from the basin. However, physicians have nearly prohibited this asserting that it harms the stomach. There is also a narration whose condition I am unaware of which states that the prophet (may Allaah send salutations upon him) forbade that we drink directly from the basin or that we scoop water with one hand.

It is quite likely that the prophet (may Allaah send salutations upon him) was unable to drink with his hand when he said: (otherwise, we will drink from the basin). In reality, drinking directly from a basin is harmful when one does so lying face down like one drinking from a river. As for one who drinks directly from a basin in an upright position, he is no different than one who does so with his hand.

Chapter

Drinking While Sitting And Standing

It was his practice to drink while sitting, and it has been narrated that he forbade drinking while standing. However, it has also been narrated that he himself drank while standing.

Some have said: this abrogates his prohibition.

Some have said: this illustrates that his prohibition does not indicate unlawfulness.

Some have said: there is no contradiction, because he drank while standing due to necessity, namely he reached zamzam as the people sought water. Consequently, they gave him the bucket and he drank. However, this was due to necessity.

Drinking while standing has many detriments, amongst which are that one does not become full. In addition, water which is consumed while standing does not settle within the stomach, hence the liver does not distribute it throughout the body. It also reaches the stomach quickly, thus it is feared that it may reduce the heat of the stomach and not reach the lower body gradually. However, drinking in this fashion is not harmful if done rarely.

Chapter

Breathing While Drinking

Anas Bin Maalik has said: the messenger of Allaah (may Allaah send salutations upon him) used to breathe while drinking three times, and he has said: (it satisfies hunger, quenches thirst, and aids digestion more effectively). Narrated by Muslim.

The prophet (may Allaah send salutations upon him) has said: (when you drink, do not breathe into the container. Instead, distance it from your mouth).

This mode of drinking is highly beneficial, and the prophet (may Allaah send salutations upon him) indicated this when he said: (it satisfies hunger, quenches thirst, and aids digestion more effectively).

When a person drinks continuously, hot vapors rise from the heart and liver, as they ascend, they converge with cold water and one repels the other. As a result, one does not become full.

It is known from experience that if water is consumed continuously, a person will suffer kidney pain. This results from a clash of hot and cold. However, this does not occur when a person drinks intermittently. Similarly, if cold water is poured gradually into a boiling pot, it will not be harmful.

It has been narrated that the prophet (may Allaah send salutations upon him) has said: (do not drink continuously like a camel. Instead, drink in intervals of two and three, begin in the name of Allaah, and praise him once you have finished). Narrated by At Tirmidhee.

Uttering the tasmiya when beginning to eat or drink and praising Allaah at the end is amazingly beneficial.

Ahmad has said: if a meal incorporates four things, it is complete: the tasmiya at the beginning and the praise of Allaah at the end, many hands, and lawfulness.

Chapter

His Guidance Concerning The Covering Of A Container

Jaabir Bin 'Abdillaah has said: I have heard the messenger of Allaah (may Allaah send salutations upon him) say: (cover your dining utensils, because there is a night when illness descends, and it reaches the inside of

each uncovered container). Narrated by Muslim.

Physicians have not discovered this, but intelligent people know this from experience. Al Layth Bin Sa'd has said: the non-Arabs amongst us are fearful of that night during December.

The prophet (may Allaah send salutations upon him) enjoined that containers be covered, even by placing a stick upon them. The wisdom of this is that one will not forget to do so. In addition, a fly which would otherwise fall into the container would land upon the stick.

The messenger of Allaah (may Allaah send salutations upon him) enjoined the remembrance of Allaah when covering a container, because it deters Shaytaan and pests.

Ibn 'Abbaas has narrated that the messenger of Allaah (may Allaah send salutations upon him) forbade drinking directly from a container. Narrated by Al Bukhaaree.

Breathing inside a container leaves a bad odor.

One who drinks directly from a container could be harmed by an animal within it.

One who drinks directly from a container could be harmed by straw and other objects.

When one drinks directly from a container, his stomach becomes full of air which impedes digestion.

One may ask: how do you respond to the narration in Jaami' At Tirmidhee which states that the messenger of Allaah (may Allaah send salutations upon him) drank directly from a container on the day of Uhud?

It is sufficient that At Tirmidhee has said: this narration is unreliable. 'Abdullaah Bin 'Umar has a weak memory and I do not know if he has heard the narrations of 'Eesa. He meant 'Eesa Bin 'Abdillaah.

Chapter

He Forbade That One Drink From The Gap Of A Container

Aboo Sa'eed Al Khudree has said: the messenger of Allaah (may Allaah send salutations upon him) forbade that one drink from the gap of a container or that he blow into it to drink. Narrated by Aboo Daawud.

This is a beneficial etiquette, because drinking directly from a container is detrimental for the following reasons:

Straw and other objects amass around the gap of a container.

Drinking from the gap of a container can be difficult.

The gap of a container becomes dirty and is not cleansed like the correct side.

The gap of a container is the worst part, thus one should avoid it and drink from the correct side. In fact, when one of the early believers saw a

man purchasing an inferior product, he said: do not buy that. Do you not know that Allaah has deprived inferior items of his blessing?

One could cut his mouth while drinking from the gap of a container.

As for breathing into ones drink, a bad odor is left.

In general, ones breath converges with his drink. For this reason, the messenger of Allaah (may Allaah send salutations upon him) forbade that a person breathe inside a container or that he blow into one. Ibn 'Abbaas has said: the messenger of Allaah (may Allaah send salutations upon him) forbade that a person breath into a container or that he blow into one. Narrated by At Tirmidhee.

One may ask: how do you respond to the narration of Anas in Al Bukhaaree and Muslim which states that the messenger of Allaah (may Allaah send salutations upon him) used to breathe in intervals of three inside a container?

We willingly accept this prophetic tradition. In reality, it does not contradict the previous narration, because it means that he used to breathe in intervals of three while drinking, and the container was mentioned since it is a drinking device. Similarly, it has been narrated that Ibraaheem the son of the messenger of Allaah (may Allaah send salutations upon him) died upon the breast, i. e. during the nursing period.

Chapter

His Guidance Concerning Milk

The prophet (may Allaah send salutations upon him) drank unadulterated milk and milk mixed with water. In fact, sweet milk and adulterated sweet milk was an effective means of health preservation in his locale. It has been narrated in Jaami' At Tirmidhee that he has said: (when you eat, say: O Allaah, bless us and give us food which is better. When you drink, say: O Allaah, bless us and give us more, because there is no food and drink like milk). At Tirmidhee has said: this prophetic tradition is authentic (hasan).

Chapter

Nabeedh Which Has Not Become Intoxicating

It has been narrated in Saheeh Muslim that nabeedh would be prepared for him at nightfall and that he would drink it in the morning and would continue to do so until the late afternoon prayer three days later. He would give what remained to his servant or would order that it be poured out. Nabeedh is sweetened with honey and is considered a food and a drink. It also increases energy and preserves health, though the prophet (may Allaah send salutations upon him) would not drink it for more than three days fearing that it would become an intoxicant.

His Dress

He usually wore an over garment and an izaar which are lighter than other forms of apparel. He also wore a long shirt. In fact, this was his favorite item of clothing, and his guidance in this regard is most conducive, because his cuffs were not long and wide. Rather, his cuffs were wrist length which would not impede his movement or expose him to extreme conditions, and his shirt and izaar reached his calves which would not impede his walking or expose him to extreme conditions.

His turban was not so large that it was difficult to wear, nor was it so small that it did not protect him from extreme conditions.

He would cover his neck with his turban which would protect it from extreme conditions, and this secures the turban, especially when riding.

He would wear leather socks when traveling in order to protect his feet from extreme conditions, and he would occasionally do so at home.

White garments were his favorite, and it was not his practice to wear garments which were red or black. As for the Yemeni over garment which he wore, it was white, black, and red, and his green over garment was similar. Consequently, his wardrobe was assorted, and those who claim that he wore deep red have already been disproven.

Chapter

His Domicile

Since the prophet (may Allaah send salutations upon him) knew that he was en route to the hereafter, it was not his practice or the practice of his companions to decorate their homes. However, his home was the best dwelling a traveler could have, because it protected him from extreme conditions and beasts while concealing him from the human eye.

There was no fear that his home would collapse and it was not susceptible to vermin. It was not so high that it was vulnerable to winds nor was it so low that those within could be harmed. His home was the most moderate and beneficial of homes, it did not reach an extreme temperature nor was it uncomfortably small or unnecessarily large such that it could house vermin. It was without a toilet, hence there was no foul odor. Rather, his home was the most fragrant of homes, because he was fond of fine fragrances. In fact, his perspiration was the most aromatic of fragrances. Undoubtedly, this home was the most moderate, beneficial, and healthy of homes.

Chapter

His Mode Of Sleeping

If one were to reflect upon his mode of sleeping, he would find that it was most moderate and beneficial, because he would sleep at nightfall and awake at the beginning of the second half of the night. Thereafter, he would

brush his teeth, perform ablution, and pray. Consequently, his body would receive adequate rest and exercise while attaining a reward, and this is the height of spiritual and physical benefit.

He would not sleep more than necessary nor would he deny himself of much needed rest. When slumber was unavoidable, he would lie upon his right side remembering Allaah upon an empty stomach. He would not sleep directly upon the ground, though his bed was not elevated. Rather, his mattress was made of leather and filled with fiber, and he would lie upon a pillow and would occasionally place his hand beneath his cheek.

We will now focus upon sleep which is harmful and beneficial:

Sleep is of two types, namely natural and unnatural. When one sleeps naturally, the power of movement and perception is restrained. Once this power can no longer move the body, vapors and moisture converge within the brain where they originate, hence the body relaxes.

As for unnatural sleep, it results from illness and other causes. In this case, vapors which do not dissipate converge within the brain, or extremely moist vapors ascend. This occurs after one has become full. Thereafter, vapors relax the mind and the power of movement and perception is restrained, thus sleep ensues.

Sleep is beneficial since it allows the body to rest. It is also beneficial since it aids digestion.

It is most advantageous to sleep on the right side so that food may settle within the stomach. Thereafter, one should sleep on his left side for a short while so that his food may easily digest, and he should sleep on his right side afterward so that his food may easily descend. As a result, one should begin by sleeping on his right side, and one should end by sleeping on his right side. As for sleeping on the left side habitually, it can damage the heart.

The worst mode of sleeping is to lie on ones back, though it is not harmful to do so in order to rest. However, it is even worse to sleep face down, and it has been narrated that Aboo Umaama has said: the prophet (may Allaah send salutations upon him) found a man sleeping face down in the masjid, so he kicked him and said: (sit or rise, because that is an infernal mode of sleep). Narrated by Ahmad and Ibn Maajah.

The following has been said in the book *At Taqdimah*: if an ill person sleeps upon his stomach and does not do so in good health, one may infer that he suffers from stomach pain. The following has been said in an explanation of *At Taqdimah*: this is because he has opposed a good practice for no apparent reason.

Sleeping during the afternoon causes illness and worsens ones complexion. It also makes one lethargic except during the summer at noon. It is bad to sleep at the beginning of noon and it is worse to sleep past the

late afternoon prayer. Similarly, when ‘Abdullaah Bin ‘Abbaas saw one of his sons sleeping during the morning, he said: rise. Do you sleep during the hour when sustenance is distributed?

It has been said that sleep is of three types:

the sleep of the messenger of Allaah (may Allaah send salutations upon him) which is at noon

sleep in the morning which prevents one from pursuing spiritual and material benefit

late afternoon sleep which causes insanity

Some of the early believers have said: if one sleeps past the late afternoon prayer and loses his mind, he must blame none but himself.

A poet has said:

sleeping during the morning causes madness and sleeping during the late afternoon is insanity

Sleeping during the morning deprives one of material benefit, because at that time creation seeks sustenance. Sleeping during the morning is also harmful to ones health.

Sleeping in the sun causes illness, and it is also harmful to sleep while being partially shaded. Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (if you sleep in the sun and become partially shaded, rise). Narrated by Aboo Daawud.

Burayda Bin Al Haseeb has narrated that the messenger of Allaah (may Allaah send salutations upon him) forbade that one sit between the sun and the shade. Narrated by Ibn Maajah. This indicates that it is forbidden for one to sleep between the sun and the shade as well.

Al Baraa Bin ‘Aazib has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (when going to bed, perform ablution and lie on your right side and say: O Allaah, I relinquish my soul and face you while entrusting you with my affairs. I seek your refuge hopefully and fearfully, and one can only be safe from you if he seeks your protection. I believe in your book which you have revealed and your prophet whom you have sent. May these be your last words, because if you die by night, you will do so in a state of natural disposition). Narrated by Al Bukhaaree and Muslim.

‘Aa’isha has narrated that once the messenger of Allaah (may Allaah send salutations upon him) had performed the voluntary dawn prayer, he would lie on his right side. Narrated by Al Bukhaaree.

It has been said that the wisdom of lying on the right side is that one does not become immersed in sleep, because the heart seeks to settle on the left side. Consequently, one is spared spiritual and material loss.

Since slumber is akin to death, it is impossible that Allaah could ever sleep, and people will not sleep in paradise. In reality, one who sleeps

requires a guard who will protect him from harm, and his creator has assumed this responsibility.

The prophet (may Allaah send salutations upon him) has taught us to say at bedtime what will protect the body and soul. He has also instructed us to be mindful of faith, to sleep as believers, and to conclude our speech as such. If our speech concludes with faith, we will enter paradise. As a result, this guidance comprises physical and spiritual benefit for this life and the next, so may peace and salutations be upon the prophet, because it is through him that his nation has attained complete goodness.

The prophet (may Allaah send salutations upon him) has said: (I relinquish my soul) , namely: I have made my soul submit to you as a slave makes his soul submit to his master.

Facing Allaah entails that one come to him being sincere and affirming his servitude. The most high has said: **{if they argue with you, say: I and those who follow me have faced Allaah}** [Aalu 'Imraan/20].

﴿فَإِنْ حَاجُّوكَ فَقُلْ أَسَلَّمْتُ وَجْهِيَ لِلَّهِ وَمَنِ اتَّبَعَنِ﴾ [آل عمران:20]

Allaah mentioned the face since it is the most honorable part of the body and embodies the senses, and he has also mentioned it since it defines purpose.

Entrusting Allaah with ones affairs entails that one be pleased with his decree, and this is one of the highest degrees of servitude which is reached by the select.

Seeking the refuge of Allaah entails that one have trust in Allaah and rely upon him.

Since the heart is hopeful and fearful and since slaves pursue their interests while fleeing from harm, the prophet (may Allaah send salutations upon him) has said: (hopefully and fearfully). He then praised his lord by stating that one can only be safe from him by seeking his protection, and he has also said: (I seek the protection of your pleasure from your anger and I seek the protection of your forgiveness from your punishment). Consequently, it is the glorified who protects his slaves from the harm which he has decreed, thus he is the source of trial and assistance, and it is he whose refuge is sought. He is the sustainer of creation and all things exist by his will: **{if Allaah harms you, only he can grant reprieve}** [Al An'aam/17].

﴿وَإِنْ يَمْسَسْكَ اللَّهُ بِضُرٍّ فَلَا كَاشِفَ لَهُ إِلَّا هُوَ﴾ [الأنعام:17]

{Say if Allaah wishes to punish or forgive you, who can prevent his decree} [Al Ahzaab/17].

﴿قُلْ مَنْ ذَا الَّذِي يَعْصِيكُمْ مِنْ أَلَلِهِ إِنْ أَرَادَ بِكُمْ سُوءًا أَوْ أَرَادَ بِكُمْ رَحْمَةً﴾ [الأحزاب:17]

He then concluded the supplication affirming the book and messenger of Allaah (may Allaah send salutations upon him) , and he is a prerequisite for success in this life and the next.

Even if he did not declare himself a messenger his guidance would be a testimony

Chapter

How He Would Awake

He would awake at the sound of the rooster. He would then glorify and invoke Allaah. Thereafter, he would brush his teeth before performing ablution, then he would stand before Allaah supplicating hopefully and fearfully. As a result, this is the best means of preserving physical, spiritual, and material well being.

Chapter

Being Active And Being Sedentary

It is well known that the body requires nourishment, and a portion of digested food must remain. When it accumulates, it becomes weighty and illness ensues. If medicine is taken to achieve expulsion, the results can be harmful since most of these medicines are harmful. In addition, necessary matter can be lost in the process.

There is an exercise for every body part. As a result, the exercise of the chest is recitation which gradually becomes more audible. Similarly, the exercise of the ear is hearing which escalates gradually, and there are other body parts such as the eyes and feet which exercise gradually as well.

As for horseback riding and archery, they prevent chronic illnesses such as leprosy.

The soul exercises by learning and observing etiquette. It also does so through joy, perseverance, and benevolence etc. In fact, some of the best forms of spiritual exercise are love and bravery. Consequently, the soul exercises until these characteristics become innate.

If you were to reflect upon the guidance of the prophet (may Allaah send salutations upon him) in this regard, you would find that it is the best means of health preservation and that it is eternally beneficial.

Prayer itself is undoubtedly an effective means of health preservation. In fact, it also preserves faith. As for the night prayer, it has been narrated in Al Bukhaaree and Muslim that the prophet (may Allaah send salutations upon him) has said: (Shaytaan ties three knots at the nape of your neck while you sleep. He says before each knot: the night is long, so rest. However, if you awake and remember Allaah, the first knot unties. If you perform ablution, the second knot unties, and if you perform prayer, the third knot unties. As a result, you will start your day refreshed. Otherwise, you will be listless).

Religious fasting is a means of health preservation and is also a means of physical and spiritual exercise.

As for jihaad, it is a means of health preservation which provides physical and spiritual strength. It is also an effective treatment for sorrow and anxiety. This also applies to:

- pilgrimage
- horse racing
- fulfilling brotherly obligations
- visiting the ill
- joining funeral processions
- walking to the masjid
- performing ablution
- bathing
- etc.

In conclusion, prophetic guidance is superior in terms of spiritual and conventional medicine, hence those who are rational maintain that it cannot be surpassed, and success lies with Allaah.

Chapter

His Guidance Concerning Sexual Intercourse

As for sexual intercourse, his guidance was most complete in this regard in terms of health preservation and pleasure. Sexual intercourse is meant to achieve three objectives, and prophetic guidance ensures this. These objectives are:

1. the preservation of man
2. the release of sperm
Unreleased sperm can cause bodily harm.
3. the achievement of pleasure

This is the only benefit which one will attain in paradise, because there will be no reproduction there nor will there be any need for ejaculation.

Esteemed physicians maintain that sexual intercourse is a means of health preservation, and one of them has said: sperm is hot and moist, because it is composed of unadulterated blood which nourishes the body. If it can be proven that sperm is virtuous, it should only be released for reproduction and discharge. If sperm remains within the body, mental illness will ensue. For this reason, when sperm accumulates, it is released through nocturnal emission.

Some of the early believers have said: a man must not neglect to walk lest he become unable to do so. He should not neglect to eat lest his stomach restrict, and he should not neglect to perform sexual intercourse lest his well run dry. Muhammad Bin Zakariyya has said: if one avoids sexual intercourse for a long time, his nerves will weaken and his penis will

coagulate. He has also said: I saw a group who neglected to perform sexual intercourse, and their bodies became cold and it became difficult for them to move. They also became sad for no reason.

Amongst the benefits of sexual intercourse is that helps one to restrain his body and soul, thus it is eternally beneficial. For this reason, it was dear to the prophet (may Allaah send salutations upon him) who said: (women and fine fragrance have become dear to me).

The following addition is found in Kitaab Az Zuhd by Ahmad: (I can do without food and drink, though I cannot do without women).

The prophet (may Allaah send salutations upon him) encouraged marriage saying: (marry so that my nation will outnumber other nations).

Ibn 'Abbaas has said: the best of this nation are those who have the most wives.

He has said: (I marry and sleep, and I perform prayer and break my fast. Consequently, whoever forsakes my tradition does not follow me).

He has said: (O young men, marry if you are able, because marriage is the best means of restraint. Otherwise, you should fast, because fasting is a protection).

When Jaabir married a woman who was not a virgin, he asked: (why did not you marry a virgin so that you could play with one another) ?

It has been narrated that Anas Bin Maalik has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (whoever wishes to meet Allaah in a pure state should marry free women). Narrated by Ibn Maajah.

Ibn 'Abbaas has narrated that the prophet (may Allaah send salutations upon him) has said: (we have not seen anything like marriage for two lovers). Narrated by Ibn Maajah.

'Abdullaah Bin 'Umar has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (the world is a pleasure, and the best of which is a righteous woman). Narrated by Muslim.

The prophet (may Allaah send salutations upon him) has encouraged his nation to marry virgins who are attractive and religious. Aboo Hurayra asked: messenger of Allaah (may Allaah send salutations upon him) , which women are best? He replied: (those who are pleasing and obedient). Narrated by An Nasaa'ee.

The prophet (may Allaah send salutations upon him) has said: (a woman is married for her beauty, religion, and status. Consequently, you should marry a religious woman so that you may prosper). Narrated by Al Bukhaaree and Muslim.

He encouraged that fertile women be married and he disliked women

who were barren. Ma'qal Bin Yasaar has narrated that a man came to the prophet (may Allaah send salutations upon him) and said: I have found a woman who is prominent and attractive, though she is barren. Should I marry her? He replied: (no). He repeated himself and was denied permission. However, when he returned the third time, the prophet (may Allaah send salutations upon him) said: (marry the loving and fertile so that my nation may outnumber other nations). Narrated by Aboo Daawud.

It has been narrated in At Tirmidhee that he has said: (four practices are a part of the prophetic tradition: marriage, siwaak, fragrance, and henna).

Foreplay should accompany sexual intercourse, and this was the practice of the messenger of Allaah (may Allaah send salutations upon him).

It has been mentioned that Jaabir Bin 'Abdillaah has said: the messenger of Allaah (may Allaah send salutations upon him) forbade sexual intercourse without foreplay.

The prophet (may Allaah send salutations upon him) performed sexual intercourse with all of his wives having bathed only once, and he also bathed after each act. Anas has narrated that the prophet (may Allaah send salutations upon him) met his wives having bathed once. Narrated by Muslim.

Aboo Raafi' has said: the messenger of Allaah (may Allaah send salutations upon him) met his wives one night and bathed upon each meeting. As a result, I said: O messenger of Allaah, if only you had bathed once, so he said: (this is purer). Narrated by Aboo Daawud.

One who wishes to repeat sexual intercourse should perform ablution before the next act, and Aboo Sa'eed Al Khudree has said: (if you have approached your wife and wish to return, perform ablution). Narrated by Muslim.

Performing ablution and bathing after sexual intercourse is refreshing and hygienic, and Allaah loves cleanliness. In addition, this practice is an effective means of health preservation.

Chapter

The Best Time For Sexual Intercourse

And The Best Method Of Sexual Intercourse

Sexual intercourse is most advantageous after digestion, and once the body has achieved moderation in terms of temperature, moisture, and fullness. Sexual intercourse is less harmful when the body is hot, full and moist and more harmful when it is cold, empty, and dry.

Sexual intercourse should be performed when the urge is present, and sexual desire should not be forced.

One should not delay sexual intercourse when sperm is abundant nor should he perform with one who is:

elderly
underage
without a sex drive
ill
unattractive
despised

In this case, sexual intercourse causes weakness, hence physicians who say that it is better to perform with one who is not a virgin are mistaken and at variance with law and nature.

When one performs with a virgin, a unique bond is created, and the prophet (may Allaah send salutations upon him) asked Jaabir: (why did you not marry a virgin) ?

‘Aa’isha asked the prophet (may Allaah send salutations upon him) : if you found a tree which none had reached and another beneath which people lodge, where would you place your camel? He replied: (beneath the tree which none had reached).

Performing with one whom you love depletes less energy and releases more sperm. Conversely, performing with one whom you despise depletes more energy and releases less sperm. As for performing with one who is menstruating, it is naturally unlawful since it is extremely harmful, and all physicians discourage this act.

The best method of sexual intercourse is for the man to lie on top of the woman after foreplay. Conversely, the worst method of sexual intercourse is for the woman to lie on top of the man. Not only is this position unnatural, it is harmful since it can impede the release of sperm causing it to putrefy. This method can also prevent conception. In addition, women are passive by law and nature, thus if a woman were aggressive, she would be at variance in this regard.

The people of the book would place their women on their sides, and they said that this was easier for them, and Jaabir has said: the Jews used to say: if a man penetrates the vagina from the rear, the child will be cross-eyed. As a result, Allaah the magnificent revealed: **{your women are fertile ground, so approach it as you wish}** [Al Baqara/223].

﴿وَنَسَاؤُكُمْ حَرْثٌ لَّكُمْ فَأَتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ﴾ [البقرة: 223]

Narrated by Al Bukhaaree and Muslim.

Muslim has narrated the following: (face down or face up, but through one entry) , i. e. the vagina.

As for anal sex, no prophet has ever allowed it, and those who claim that some of the early Muslims have are mistaken.

Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) have said: (one who approaches the anus is cursed). Narrated by Aboo Daawud.

Ahmad and Ibn Maajah have narrated the following: (Allaah does not look at a man who performs anal sex with his wife).

Ahmad and At Tirmidhee have narrated the following: (if one approaches a menstruating woman, performs anal sex, or believes a diviner, he has disbelieved in what was revealed to Muhammad) (may Allaah send salutations upon him).

Al Bayhaqee has narrated the following: (if one performs anal sex, he has disbelieved).

'Umar Bin Al Khattaab has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (the truth does not embarrass Allaah. Do not approach the anus).

It has been narrated that 'Alee Bin Talq has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (do not approach the anus, and the truth does not embarrass Allaah). Narrated by At Tirmidhee.

It has been narrated that 'Abdullaah Bin Mas'ood has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (do not approach the anus). Narrated by Ibn 'Adee.

Aboo Dharr has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (if one approaches the anus, he has disbelieved).

It has been narrated that Jaabir has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (have shame before Allaah, because he is unashamed of the truth. Do not approach the anus). Ad Daaraqutnee has narrated the following: (the truth does not embarrass Allaah, it is unlawful to approach the anus).

Al Baghawee has said: Qataada was questioned concerning one who performs anal sex with his wife, and he replied: 'Amr Bin Shu'ayb has informed me that his father and grandfather have narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (that is minor homosexuality).

It has been narrated that Ibn 'Abbaas has said: this verse: **{your women are fertile ground}** [Al Baqara/223].

﴿نِسَاؤُكُمْ حَرْثٌ لَّكُمْ فَأَنْزِلُوا حَرْثَكُمْ أَنَّى شِئْتُمْ﴾ [البقرة: 223]

Was revealed concerning some ansaar who questioned the messenger of Allaah (may Allaah send salutations upon him) , and he replied: (approach your wife in any fashion as long as you enter the vagina).

It has been narrated that Ibn 'Abbaas has said: 'Umar Bin Al Khattaab came to the messenger of Allaah (may Allaah send salutations upon him)

and said: O messenger of Allaah, I am ruined. As a result, he asked: (what has ruined you) ? He replied: I overturned my load last night. He said: he did not respond, so Allaah revealed: **{your women are fertile ground}** [Al Baqara/223].

﴿وَسَاوَكُمْ حَرْثُ لَكُمْ فَأَتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ﴾ [البقرة: 223]

(Approach from the front and the rear and beware of menstruation and the anus). At Tirmidhee has narrated the following: (Allaah does not look at one who approaches the anus).

It has been narrated that Al Baraa Bin 'Aazib has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (ten people have disbelieved in Allaah the exalted: a murderer, a warlock, a man who condones domestic indecency, a man who performs anal sex, one who does not give obligatory charity, one who was able to perform hajj and died without doing so, one who consumes intoxicants, one who creates discord, one who sells weapons to those engaged in war, and one who performs sexual intercourse with a woman whom he may not marry).

It has been relayed that 'Uqba Bin 'Aamir has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (one who approaches the anus is cursed).

It has been narrated that Aboo Hurayra and Ibn 'Abbaas have said: the messenger of Allaah (may Allaah send salutations upon him) said during his final sermon: (if one performs anal sex, his odor will be worse than a corpse on the day of resurrection, and he will enter the fire. Allaah will invalidate his deeds and he will enter an infernal coffin). Aboo Hurayra has said: this applies to one who has not repented.

Khuzayma Bin Thaabit has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (Allaah is not ashamed of the truth, do not approach the anus). Narrated by Aboo Na'eem.

Khuzayma Bin Thaabit has narrated that a man questioned the prophet (may Allaah send salutations upon him) about approaching women from the rear, and he replied: (it is lawful). He then called him and asked: (did you mean vaginally or anally? Allaah is not ashamed of the truth, do not approach the anus). Narrated by An Nasaa'ee.

The most high has said: **{approach them as Allaah has commanded you}** [Al Baqara/222].

﴿مِنْ حَيْثُ أَمَرَكُمُ اللَّهُ﴾ [البقرة: 222]

Mujaahid has said: I questioned Ibn 'Abbaas concerning the statement of the most high: **{approach them as Allaah has commanded you}** [Al Baqara/222].

﴿مِنْ حَيْثُ أَمَرَكُمُ اللَّهُ﴾ [البقرة: 222]

And he replied: approach them when they are not menstruating. 'Alee Bin Abee Talha has said: enter the vagina only.

This verse indicates that anal sex is unlawful in two ways: it allows one to approach the fertile ground of women which is the vagina, but it does not allow one to approach the anus. As for the statement of the most high: **{approach them as Allaah has commanded you}**, it refers to the fertile ground of women.

The most high has said: **{approach your fertile ground as you please}** [Al Baqara/223].

﴿فَاتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ﴾ [البقرة: 223]

It may be deduced from this verse that one may enter the vagina through the rear, because he has said: **{as you please}**, namely from the front or the rear. Ibn 'Abbaas has said: approach your fertile ground, namely the vagina.

Since Allaah has forbade vaginal intercourse during menstruation due to impurity, then what should be said about the anus? In fact, there is an added detriment in this case, namely that conception is jeopardized.

A wife is entitled to sexual intercourse, but this right is denied when her husband performs anal sex.

The anus has not been created for sexual intercourse like the vagina. Consequently, those who choose the former instead of the latter are at variance with the wisdom of Allaah.

Anal sex is harmful for men, thus intelligent physicians discourage it, because the penis is unique in that it draws sperm which is soothing. Whereas, anal sex does not facilitate this process completely since it is unnatural.

Anal sex is tiring.

Anal sex is unsanitary.

Anal sex harms women because it is abnormal.

Anal sex causes sorrow and anxiety.

Anal sex blackens the face and darkens the heart.

Anal sex causes discord.

Anal sex can ruin a relationship to such an extent that reconciliation can only be possible once both parties have repented in earnest.

Anal sex can make two lovers hate each other.

Anal sex is one of the greatest causes of adversity, because it incites the anger of Allaah. Consequently, one could not anticipate any good thereafter.

Anal sex makes one shameless, and modesty is the life force of the heart. As a result, once it is lost, the heart finds what is wholesome repugnant and vice versa.

Anal sex produces abnormality. In fact, it produces an inverted disposition. Consequently, wickedness becomes appealing causing ruin.

Anal sex causes boldness like no other action.

Anal sex incites hatred.

Chapter

Harmful Sexual Intercourse

Harmful sexual intercourse is of two types: sexual intercourse which is legally harmful and sexual intercourse which is naturally harmful. Sexual intercourse which is legally harmful is unlawful and varies in terms of severity, and an incidental prohibition in this regard is lighter than a necessary prohibition. As a result, there is no prescribed punishment for one who performs sexual intercourse with a menstruating woman.

A necessary prohibition is of two types: one type cannot be rescinded. Consequently, if one performs sexual intercourse with a woman whom he cannot marry, his punishment is death according to some scholars such as Ahmad Bin Hanbal, and a reliable narration exists in the regard.

A necessary prohibition can also apply to a woman whom one can marry. If she has a husband, Allaah and her husband both have a right in this regard. If the woman was coerced, a third right exists. If her relatives suffer embarrassment a fourth right exists, and if she could not marry the man who performed sexual intercourse with her, a fifth right exists.

Sexual intercourse which is naturally harmful is of two types: one type is harmful in terms of method, i. e. the sexual intercourse which has preceded, and the other type is harmful in terms of quantity, i. e. excessive sexual intercourse.

Sexual intercourse is most advantageous when food has digested and one is not full nor hungry. One should also avoid sexual intercourse if he is tired, has bathed, or is emotional.

The best time for sexual intercourse is once 1/3 of the night has passed and once food has digested. Thereafter, one should bathe or perform ablution and sleep so that he may regain strength, thus he should not exert himself.

Chapter

His Guidance Concerning The Treatment Of Lust

This is a unique illness which affects the heart, and Allaah the glorified has mentioned two groups of people who were afflicted by this ailment, namely women and those who desired attractive males. He spoke about the wife of Al 'Azeez who sought Yoosuf and he spoke about the people of Loot. He said the following about the angels who came to Loot: **{the city dwellers arrived with good news. He said these are my guests, so revere**

Allaah and do not embarrass me. They asked: did we not warn you. He replied: these are my daughters. They were indeed misguided and intoxicated} [Al Hijr/67-72].

﴿قَالَ إِنْ هَؤُلَاءِ صِيفِي فَلَا تَقْضَحُونِ﴾ (٦٨) ﴿وَأَقْبُوا اللَّهَ وَلَا تَحْزُونِ﴾ (٦٩) ﴿قَالُوا أَوَلَمْ تَنْهَكَ عَنِ الْعَالَمِينَ﴾ (٧٠) قَالَ

هَؤُلَاءِ بَنَاتِي إِنْ كُنْتُمْ فَاعِلِينَ ﴿٧١﴾ لَعَنَكَ إِنَّهُمْ لَفِي سَكْرَتِهِمْ يَعْمَهُونَ ﴿٧٢﴾ [الحجر: 67-73]

Some who do not aptly respect the messenger of Allaah (may Allaah send salutations upon him) have claimed that he was tried with this affliction. They claim that he was captivated by Zaynab Bint Jahsh and that he told Zayd Bin Haaritha to retain her before Allaah revealed the following: **{you said to the one whom Allaah had guided and you had raised: revere Allaah and retain your wife. You disclosed what Allaah had revealed to you fearing others, though you should fear Allaah}** [Al Ahzaab/37].

﴿وَإِذْ تَقُولُ لِلَّذِي أَنْعَمَ اللَّهُ عَلَيْهِ وَأَنْعَمْتَ عَلَيْهِ أَمْسِكْ عَلَيْكَ زَوْجَكَ وَاتَّقِ اللَّهَ وَتُخْفِي فِي نَفْسِكَ مَا اللَّهُ

مُبْدِيهِ وَتُخْفِي النَّاسَ وَاللَّهُ أَحَقُّ أَنْ تَخْشَاهُ﴾ [الأحزاب: 37]

Some claim that this refers to lust, and a book has been written in which the lust of the prophets has been mentioned, and this incident has been included. This is a misinterpretation and false accusation, because Zayd Bin Haaritha who was the adopted son of the messenger of Allaah (may Allaah send salutations upon him) consulted him regarding divorce, thus he said: **{revere Allaah and retain your wife}** [Al Ahzaab/37].

﴿أَمْسِكْ عَلَيْكَ زَوْجَكَ وَاتَّقِ اللَّهَ﴾ [الأحزاب: 37]

He disclosed his plans to marry her if Zayd Bin Haaritha divorced her fearing that people would say that he married his son's wife.

Thereafter, Allaah informed him that he joined him in matrimony with Zaynab Bint Jahsh once Zayd Bin Haaritha was no longer in need of her, and he did this so that his nation would emulate him. For this reason, he said in the verse of prohibition: **{the wives of your biological sons are lawful for you}** [An Nisaa/23].

﴿وَحَلَائِلُ أَبْنَائِكُمُ الَّذِينَ مِنْ أَصْلَابِكُمْ﴾ [النساء: 23]

He has also said: **{Muhammad is not the father of any of you}** [Al Ahzaab/40].

﴿مَا كَانَ مُحَمَّدٌ أَبَا أَحَدٍ مِنْ رِجَالِكُمْ﴾ [الأحزاب: 40]

Consequently, you should consider how the messenger of Allaah (may Allaah send salutations upon him) was defended, and success lies with Allaah.

The messenger of Allaah (may Allaah send salutations upon him) loved his wives, and his dearest wife was 'Aa'isha. However, his utmost love was reserved for his lord. In fact, he has said: (if I were to select an intimate friend, it would be Aboo Bakr) (your companion is the intimate friend of Allaah).

Chapter

Lust

Lust afflicts hearts which do not love Allaah, thus when a heart loves Allaah and longs to meet him, the illness of lust is repelled. For this reason, the most high has said regarding Yoosuf: **{as such we protected him from evil}** [Yoosuf/24].

﴿كَذَلِكَ نَصْرِفُ عَنْهُ السُّوءَ وَالْفَحْشَاءَ إِنَّهُ مِنْ عِبَادِنَا الْمُخْلَصِينَ﴾ [يوسف: 24]

This indicates that sincerity can offset lust and the iniquity which ensues, thus some of the early believers have said: lust is the movement of an empty heart, namely a heart which is reserved for an object of desire. The most high has said: **{the heart of the mother of Moosa became empty}** [Al Qasas/10].

﴿وَأَصْبَحَ فُؤَادُ أُمِّ مُوسَىٰ فَارِغًا إِن كَادَتْ لَتُبْدِيَ بِهِ﴾ [القصاص: 10]

Namely, her heart was void of all except Moosa due to her love of him.

Lust is composed of two matters, i. e. predilection and desire. As a result, when either the former or latter are absent, lust cannot exist.

The wisdom of Allaah the magnificent necessitates that similar entities are compatible and cohesive. Consequently, the secret of cohesion is compatibility and the secret of fragmentation is incompatibility. The most high has said: **{he is the one who has created you from one soul, and from this soul he has created a mate so that man may enjoy serenity}** [Al A'raaf/189].

﴿هُوَ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَجَعَلَ مِنْهَا زَوْجَهَا لِيَسْكُنَ إِلَيْهَا﴾ [الأعراف: 189]

Man finds serenity in woman since they are akin, hence the cause of this serenity is not beauty, a common goal, or character, even though these factors are influential.

The prophet (may Allaah send salutations upon him) has said: (souls are enlisted soldiers, hence those which become acquainted unite, and those which clash separate). Narrated by Al Bukhaaree and Muslim.

It has been narrated in the Musnad of Ahmad and elsewhere that a woman who used to amuse others in Makka came to Al Madeena and joined a woman who also amused others, hence the prophet (may Allaah send salutations upon him) said: (souls are enlisted soldiers...).

The law of the glorified necessitates that a ruling which applies in one case may apply in another case if the former and latter are similar. Consequently, his law never differentiates between two comparable entities, nor does it fail to distinguish between two opposites. If one believes otherwise, he either lacks knowledge of the law, is unaware of resemblance and difference, or is influenced by opinion.

What has preceded will also apply on the day of resurrection, and the most high has said: **{gather the unjust, their counterparts, and what they used to worship, and guide them to hell}** [As Saffaat/22].

﴿أَحْشُرُوا الَّذِينَ ظَلَمُوا وَأَزْوَاجَهُمْ وَمَا كَانُوا يَعْبُدُونَ﴾ ﴿٢٢﴾ مِنْ دُونِ اللَّهِ فَأَهْدُوهُمْ إِلَى صِرَاطِ الْجَحِيمِ ﴿٢٣﴾

[الصافات: 22-23]

The most high has said: **{when the souls will be joined}** [At Takweer/7].

﴿وَإِذَا النُّفُوسُ زُوِّجَتْ﴾ ﴿٧﴾ [التكوير: 7]

Namely, when each person will be joined with his counterpart. Consequently, those who love one another for the sake of Allaah will be joined in paradise. Conversely, those who love one another as an act of obedience to Shaytaan will be joined in hell, thus man will join his beloved whether he likes it or not. It has been narrated in the Mustadrak of Al Haakim that the prophet (may Allaah send salutations upon him) has said: (a person will be gathered with those whom he loves).

There are many types of love and the greatest of which is to love for the sake of Allaah. This necessitates that one love what is beloved to Allaah and that one love Allaah and his messenger.

There is the love of religious and secular agreement.

There is love for the sake of an objective which is only temporary. As a result, when a person loves you to attain a goal, he will ultimately turn his back on you.

As for love which results from compatibility, it is binding and can only end upon an event. Lust is also included in this category, because it is a spiritual predilection and a merging of souls.

One may ask: if the cause of lust is compatibility, then why is it not always mutual?

Compatibility may not exist due to the absence of a condition or the presence of an impediment.

Love may not be mutual due to insincerity. In fact, it should not be mutual in this case.

Love may not be mutual due to character, appearance, and behavior.

Love may not be mutual due to an inability to reciprocate in this regard.

Once these impediments are removed and love is sincere, it will indeed

be mutual. In fact, if it were not for the impediments of arrogance, envy, leadership, and hostility, the disbelievers would have loved the messengers more than anything else. However, once these hindrances were removed from the hearts of their followers, the messengers became most beloved to them.

Chapter

His Guidance Concerning The Treatment Of Lust

The point is this, since lust is an illness, it is treatable, and various methods exist. If one who is lustful is capable of attaining the object of his desire legally, then this is his treatment. Ibn Mas'ood has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (O young men, marry if you are able and fast if you are not, because it will protect you). Consequently, he has guided lovers to two forms of treatment, one is fundamental and the other is alternative. However, he has enjoined the former which is the intended form of treatment, thus one should not employ the latter if possible.

Ibn 'Abbaas has narrated that the prophet (may Allaah send salutations upon him) has said: (we have seen nothing like marriage for two lovers). Narrated by Ibn Maajah.

This is what the glorified had indicated shortly after declaring slave women lawful during times of necessity, and he has said: **{Allaah wishes to be lenient, and man has been created weak}** [An Nisaa/28].

﴿يُرِيدُ اللَّهُ أَنْ يُخَفِّفَ عَنْكُمْ وَخُلِقَ الْإِنْسَانُ ضَعِيفًا﴾ (النساء: 28)

He has mentioned his concession and has stated that man is weak, this indicates that man is incapable of enduring lust. However, Allaah has granted relief by allowing him to marry from two to four women. He has also allowed him to attain an unlimited amount of right hand possessions. Thereafter, he allowed him to marry slaves as a treatment for lust.

Chapter

Treating Insatiable Lust

A person should lose hope as a treatment for insatiable lust, because once a soul has become despondent, it will disregard an object of desire. However, if this ailment persists, one should resort to another form of treatment which is mental. Namely, he should realize that it is insane for a heart to cling to what it will never attain. Similarly, if one yearned to reach the sun, all intelligent people would consider him deranged.

If an object of desire is lawfully unattainable, one should consider it simply unattainable as a treatment, because a slave can only be successful if he avoids what Allaah has prohibited. Consequently, he should feel that his

objective is unachievable.

If the soul which enjoins evil does not respond, it is best that he consider the object of his desire a lost cause, because when an intelligent person makes a comparison between the attainment of an objective which is fleeting and the loss of one which is enduring, he realizes that the former and latter are unequal. As a result, you should not sell eternal pleasure for temporary pleasure which will soon become painful. In reality, this pleasure is merely a dream, thus it will soon depart as one faces the consequences.

After one has been deprived of the greater object, a misfortune which is worse than being deprived of the lesser object may ensue. Consequently, when one becomes certain that the pursuit of the former may affect him as such, he will realize that it is much easier to relinquish it, thus his faith and intellect will order him to endure the lesser of two detriments which will soon give way to joy.

If one's soul rejects this treatment, he should look at the harm which is caused by desire, because it prevents a slave from being sensible.

If one's soul rejects this treatment, he should remember that the object of his desire incites hatred, and he should not be fooled by a leper who is dressed in a striking color. Rather, it is the heart and not the body which he should heed.

If all of these treatments fail, the only alternative is to stand humbly before Allaah seeking his aid. When one is guided to do this, he knocks upon the door of success.

Do not be fooled by this fabricated prophetic tradition: (if one who is lustful does not act and then dies, he is a martyr) the following has also been narrated: (if one who is lustful does not act, Allaah will forgive him and grant him paradise). This narration could not be prophetic, because martyrdom is a high degree which can only be attained under certain conditions, and these conditions are general and specific.

Being slain for the sake of Allaah is a specific condition. As for the general conditions, they are five and are mentioned in Al Bukhaaree, though lust is not one of them. In reality, lust is polytheistic love, and in this case the heart and soul are given to other than Allaah. Consequently, it is impossible that lust could be a means of attaining martyrdom, because it intoxicates the soul and prevents it from worshipping Allaah. In fact, lust obliges the heart to worship other than Allaah, because the heart in this case is subservient to an object of desire.

Lust is the essence of servitude, because it is love, subjugation, and glorification. As a result, one cannot reach the level of those who are beloved to Allaah when his heart worships other than him.

There is lawful and unlawful lust, so how could one believe that the prophet (may Allaah send salutations upon him) declared every lustful

person who does not act a martyr? If he did, those who covet the wives of other men would reach the level of martyrs. This contradicts basic prophetic teachings since lust is an illness which Allaah has created medicine for, and unlawful lust may not go untreated.

Analysis reveals that when the messenger of Allaah (may Allaah send salutations upon him) declared people martyrs, they suffered from fatal illnesses and conditions such as the plague, stomach pain, insanity, fire, drowning, and childbirth. In reality, these people could not be treated and man was not responsible for their trial. In addition, the causes of their illnesses and conditions were not unlawful and their hearts did not worship other than Allaah like those who were lustful.

If this is not a sufficient refutation of the narration which has been attributed to the messenger of Allaah (may Allaah send salutations upon him), then emulate scholars of prophetic tradition who reject it. Al Haakim has said in Taareekh Naysaaboor: this narration astonishes me, because it has only been conveyed via Suwayd who is reliable. Aboo Al Farj has mentioned this narration in Al Mawdoo'aat, and Aboo Bakr Al Azraq used to attribute it to the prophet (may Allaah send salutations upon him) via Suwayd. However, once he was castigated for doing so, he would not surpass Ibn 'Abbaas.

It is equally unacceptable to consider this a narration of Hishaam Bin 'Urwa, his father, and 'Aa'isha, and it is not a narration of Al Maajishoon, Ibn Abee Haazim, Ibn Abee Najeeh, Mujaahid, and Ibn 'Abbaas. As for Suwayd Ibn Sa'eed, he has been criticized and Yahya Bin Mu'een has said: he is a liar, if I had a horse and a spear, I would fight him. Ahmad has said: he is disregarded. An Nasaa'ee has said: he is unreliable. Aboo Haatim Ar Raazee has said: he is truthful, though he employs tadlees quite often. Muslim was criticized for relaying his narrations, though others did so as well, and these narrations were reliable unlike this one, and Allaah knows best.

Chapter

His Guidance Concerning Health Preservation With Fragrance

Fragrance nourishes the soul and strengthens the body, and there is a close relationship between fragrance and the soul. Consequently, it was one of two worldly entities which were beloved to the messenger of Allaah (may Allaah send salutations upon him).

It has been narrated in Saheeh Al Bukhaaree that he would not refuse fragrance.

It has been narrated in Saheeh Muslim that he has said: (if one is offered fragrance, he should not reject it, because it is lightweight and aromatic).

Aboo Hurayra has narrated that the prophet (may Allaah send salutations upon him) has said: (if one is offered fragrance, he should not reject it, because it is lightweight and aromatic). Narrated by Aboo Daawud and An Nasaa'ee.

It has been narrated in the Musnad that the prophet (may Allaah send salutations upon him) has said: (Allaah is good and loves goodness, he is clean and loves cleanliness, and he is generous and loves generosity. Consequently, you must clean your courtyards lest you resemble the Jews who amass garbage in their homes).

The prophet (may Allaah send salutations upon him) has said: (a Muslim is obliged to bathe once a week for the sake of Allaah, and he must also apply fragrance if possible).

Fragrance is unique in that it attracts angels and repels demons. As a result, good souls love fine scents and evil souls love foul odors. In addition, every soul gravitates toward its counterpart, hence good people befit good people and bad people befit bad people. Although this applies to men and women, it also applies to deeds, statements, food, drink, clothing, and scents.

Chapter

His Guidance Concerning The Eye

It has been relayed that 'Abdur Rahmaan Bin An Nu'maan Bin Ma'bad Bin Hoodha Al Ansaaree, his father, and his grandfather have narrated that the messenger of Allaah (may Allaah send salutations upon him) enjoined the use of musk scented ithmid at bedtime.

It has been relayed that Ibn 'Abbaas has said: the prophet (may Allaah send salutations upon him) had an antimony container, and he would apply antimony three times in each eye. Narrated by Ibn Maajah.

It has been narrated that Ibn 'Abbaas has said: when the messenger of Allaah (may Allaah send salutations upon him) would use antimony, he would begin by applying it three times in his right eye and then twice in his left eye. Narrated by At Tirmidhee.

Aboo Daawud has narrated that the prophet (may Allaah send salutations upon him) has said: (if you apply antimony, do so an odd number of times). Does this mean that one should apply antimony an odd number of times in both eyes, i. e. three times in the right and eye and then twice in the left eye? Does this mean that one should apply antimony three times in each eye? Both views are maintained by the legal school of Ahmad.

Antimony preserves the eye, improves vision, expels harmful matter, and enhances ones appearance. In fact, the use of antimony is even more advantageous at bedtime since the eye is at rest, and ithmid is uniquely beneficial in this regard.

It has been relayed in Sunan Ibn Maajah that Saalim and his father have narrated that the prophet (may Allaah send salutations upon him) has said: (you must use ithmid, because it improves vision and aids hair growth).

The following appears in Hilya Al Awliyaa: (it aids hair growth, expels harmful matter, and improves vision)

Chapter

Some Foods And Medicine Which The Prophet (May Allaah Send Salutations Upon Him) Has Mentioned

Ithmid

Ithmid is a black antimony stone which is brought from Isfahan, and this is the best type of Ithmid. It is also brought from the west.

Ithmid is cold and dry and strengthens the eye. It can also be used to treat wounds, and it relieves headaches when used with liquefied honey. It is the finest antimony when musk is added, especially for the elderly and those who vision has deteriorated.

The Citron

The prophet (may Allaah send salutations upon him) has said: (the similitude of a believer who recites the Qur'aan is a citron whose taste and fragrance are pleasing). Narrated by Al Bukhaaree and Muslim.

The citron has many benefits and is composed of the following four entities: a rind, a pith, acid, and a kernel. Each of these entities has a respective constitution. As a result, the rind is hot and dry. The pith is hot and moist, the acid is cold, and the kernel is hot and dry.

Amongst the benefits of the citron is that it protects clothing from moths, improves air quality, and eliminates bad breath.

As for the pith of the citron, it reduces heat within the stomach and eliminates hot vapors.

As for the acid of the citron, it can be used to treat vomiting and diarrhea. It also reduces heat within the liver, strengthens the stomach, and quenches thirst.

As for the kernel of the citron, it can be used to treat insect bites when grated, and it also eliminates bad breath, though the rind of the citron is more effective in this regard.

It has been said that the kernel of the citron can be used against all types of poison and can be used to treat all stings.

It has been mentioned that some physicians were jailed and allowed to choose a topping. Consequently, they chose citron. When they were asked why they chose citron, they replied: it is a fruit and a topping which is

fragrant and picturesque, and the kernel contains oil and is an antidote.

Something as beneficial as this deserves to be the similitude of the believer who recites the Qur'aan, and some of the early believers enjoyed looking at the citron since it is picturesque.

Rice

There are two fabricated narrations concerning rice, namely: (if it were a man, it would be forbearing) (everything which the earth yields contains an ailment and a cure except for rice, because it is a remedy). We have mentioned these narrations as a warning lest they be attributed to the messenger of Allaah (may Allaah send salutations upon him).

Rice is hot and dry and is the second most nutritious grain after wheat. In fact, Indian physicians claim that rice is the best of all foods and is most beneficial when cooked with milk. Rice also increases sperm and improves the complexion.

Watermelon

Aboo Daawud and At Tirmidhee have narrated that the prophet (may Allaah send salutations upon him) used to eat watermelon and half ripe dates and has said: (we offset the hotness of one with the coolness of the other).

There are numerous narrations concerning watermelon, but this is the only one which is reliable. Watermelon is cold and moist and digests faster than cucumber and celery. It also assimilates quickly with other foods. If one is hot while eating watermelon, he will benefit greatly. However, if one is cold, he should add a small amount of ginger as a preventative measure. One should begin his meal with watermelon lest nausea ensue, and some physicians have said: when watermelon is eaten before a meal, it cleanses the stomach, and it is a remedy in general.

Unripe Dates (Balah)

It has been relayed that Hishaam Bin 'Urwa and his father have narrated that 'Aa'isha has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (eat balah and dates together, because when Shaytaan sees someone doing so, he says: the progeny of Aadam lived to eat what is old and new). The following has also been narrated: (eat balah and dates together, because Shaytaan becomes sad when he sees someone doing so, and he says: the progeny of Aadam lived to eat a new creation). Narrated by An Nasaa'ee and Ibn Maajah.

Some Muslim physicians have said that the prophet (may Allaah send salutations upon him) enjoined that balah and dates be eaten together and not busr and dates, because balah is cold and dry and dates are hot and moist. Consequently, they are conducive to each other unlike busr and dates

which are both hot, and it is medically inappropriate to combine foods which are both hot or cold. Furthermore, the aforementioned narration indicates that it is correct to offset one food or medicine with another food or medicine.

Balah is cold and dry and is conducive to the mouth and stomach, though not to the lungs and chest.

Unripe Dates (Busr)

It has been narrated in Saheeh Muslim that the prophet (may Allaah send salutations upon him) hosted Aboo Bakr, 'Umar, and Aboo Al Haytham, and that Aboo Haytham brought them a vine from a date-palm tree. Consequently, the prophet (may Allaah send salutations upon him) asked him: (why did not you choose half ripe dates) ? He replied: I wanted you to choose unripe dates and half ripe dates.

Busr is hot and dry and eliminates moisture. It is also conducive to the mouth, and the best type of Busr is soft and sweet.

Eggs

Al Bayhaqee has mentioned a narration in Shu'ab Al Eemaan which states that a prophet complained of weakness to Allaah the glorified. As a result, he ordered him to eat eggs, but the reliability of this narration is questionable.

The author of Al Qaanoon has said: egg yolk is hot and moist and produces blood. It also exits the stomach quickly when soft.

Others have said: egg yolk is an analgesic which is conducive to the throat, lungs, kidney, and bladder. When sweet almond oil is added, it eliminates abrasion. It also relieves inflammation of the eye. When applied to the face, it prevents sunburn, and when mixed with frankincense and applied to the forehead, it is conducive to the common cold.

The author of Al Qaanoon has considered egg yolk a heart medication and has said: although it is not an absolute medicine, it strengthens the heart.

Onions

Aboo Daawud has narrated that 'Aa'isha was questioned concerning onions and replied as follows: the last food which the messenger of Allaah (may Allaah send salutations upon him) ate contained onions.

It has been narrated in Al Bukhaaree and Muslim that he forbade one to enter the masjid after eating onions.

Onions strengthen the stomach, increase sperm, and improve the complexion. They are highly effective when applied to snake bites, and their scent prevents nausea when laxatives are consumed.

As for their detriment, they impair vision and cause headaches and forgetfulness. They also impair the mind and produce bad breath which

harms angels. However, this does not apply when onions are cooked.

It has been narrated in the Sunan that the prophet (may Allaah send salutations upon him) enjoined that onions and garlic be cooked so that they may lose their odor.

Eggplant

The following has appeared in a fabricated narration: (eggplant is eaten for a purpose). It would be improper to attribute this to an intellectual not to mention a prophet.

Eggplant is of two types, i. e. black and white, and it is actually hot and not cold. It causes cancer, leprosy, and other ailments, and it also darkens the complexion.

Dates

It has been narrated in Saheeh Al Bukhaaree that the prophet (may Allaah send salutations upon him) has said: (if one eats seven al 'aaliya dates in the morning, he will not be harmed by poison or sorcery that day). He has also said: (famished are those whose home does not contain dates). He ate dates and butter, dates and bread, and dates only.

Dates strengthen the liver, and they increase sexual desire, especially when combined with cedar seed. They also relieve throat abrasion. However, they can cause toothaches and headaches when consumed by people who are not accustomed to them, though almonds and poppy prevent this. Dates are most nutritious since they are hot and moist, and they kill worms when the stomach is empty. They are also a fruit, medicine, and candy.

Figs

Since figs were not found in Makka and Al Madeena, they have not been mentioned within the prophetic tradition. However, Allaah has sworn by the fig due to its immense benefit.

Figs are hot, but their moistness is contested. The best figs are those which are white. Figs are the most nutritious fruit and are conducive to the throat, lungs, and chest. They cleanse the stomach, liver, and spleen while nourishing the body. However, they produce lice when consumed in abundance.

It is advisable to eat figs, walnuts, and almonds, and it has been said that rue, walnuts, and figs prevent subsequent poisoning.

It has been narrated that Aboo Ad Dardaa has said: the prophet (may Allaah send salutations upon him) was given a plate of figs as a gift, so he said: (eat). He then ate and said: (If I were to consider a fruit heaven sent, it would be the fig, because the fruit of heaven is seedless. Consequently, you must eat figs, because they relieve hemroids and gout). However, the reliability of this narration is questionable.

Figs are thirst quenching and relieve chronic coughing. They are also conducive to the kidney and bladder, and they are amazingly beneficial when combined with walnuts and almonds. However, figs are detrimental when consumed with thick foods.

Talbeena

It has been previously mentioned that talbeena is the residue of ground barley, and we have mentioned its benefits. We have also mentioned that talbeena is more conducive to the people of the Hijaaz than the residue of barley which is not ground.

Snow

It has been narrated in Saheeh Muslim that the prophet (may Allaah send salutations upon him) has said: (O Allaah, cleanse me of my sins with snow, water, and hail).

It may be deduced from this prophetic tradition that an ailment is treated with its opposite, because wrongdoing contains heat which is offset with snow, water, and hail. As a result, it should not be said that hot water removes dirt more effectively, because cold water strengthens the body unlike hot water, and wrongdoing necessitates uncleanness and laxity. Consequently, it should be treated with something which can cleanse and strengthen the heart, and the mention of snow, water, and hail indicates this.

Garlic

Garlic resembles the onion, and the following has been narrated: (whoever eats onions and garlic should neutralize them by cooking them). The prophet (may Allaah send salutations upon him) was given food containing garlic as a gift, so he sent it to Aboo Ayyoob Al Ansaaree who said: O messenger of Allaah, you send this to me although you dislike it! He said: (you do not speak with the one whom I converse with).

Garlic is highly effective in heating and drying the body. It aids digestion, quenches thirst, and is an effective treatment for snake bites and scorpion stings. It clears the throat and is conducive to most of the body. It relieves chronic coughing and chest pain, and it also relieves toothaches when combined with salt, vinegar, and honey. A small quantity of garlic consumed with liquefied honey expels worms and bile, and garlic and honey are effective when applied to those suffering from herpetic eruption.

As for the detriment of garlic, it causes headaches and is harmful to the eyes and brain. It weakens vision and sexual desire and causes thirst and bad breath. However, this odor can be eliminated by chewing on rue.

Thareed

It has been narrated in Al Bukhaaree and Muslim that the prophet (may Allaah send salutations upon him) has said: ('Aa'isha is greater than other

women as thareed is greater than other foods).

Thareed consists of bread which is the greatest of foods and meat which is the greatest of toppings. As a result, once they are combined, there is nothing to desire.

There is a discrepancy concerning which food is greater, but the truth of the matter is that bread is more vital while meat is greater since it is the food of the people of paradise. In fact, the most high asked those who requested herbs, cucumbers, wheat, lentils, and onions: **{do you prefer what is inferior}** [Al Baqara/62].

﴿أَتَسْتَبْدِلُونَ الَّذِي هُوَ أَدْنَىٰ بِالَّذِي هُوَ خَيْرٌ﴾ [البقرة: 61]

The Date-Palm Core

‘Abdullaah Bin ‘Umar has said: as we sat with the messenger of Allaah (may Allaah send salutations upon him) , he said: (there is a tree which resembles the Muslim man, it’s leaves do not fall...). The date-palm core is initially cold and dry and heals wounds. In fact, the entire tree is beneficial, thus the prophet (may Allaah send salutations upon him) compared it to a Muslim.

Cheese

‘Abdullaah Bin ‘Umar has said: the prophet (may Allaah send salutations upon him) called for a knife, uttered the name of Allaah, and sliced cheese. Narrated by Abou Daawud.

The companions ate cheese in Iraq and Syria, and cheese which is moist though not salty is conducive to the stomach. Whereas, salty cheese is less nutritious and is harmful to the stomach.

Cheese is cold and moist and is more beneficial when grilled. Salty cheese is hot and dry and is harmful to the stomach, it also produces kidney and bladder stones.

Henna

Prophetic traditions concerning the merit and benefit of Henna have preceded, hence there is no need to reiterate.

Black Seed

Abou Hurayra has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (you must use black seed, because it is a remedy for every ailment except for death). Narrated by Al Bukhaaree and Muslim.

Black seed is highly beneficial, and the statement of the prophet (may Allaah send salutations upon him) : (a remedy for every ailment) is similar to the statement of the most high: **{it destroys everything as commanded by it’s lord}** [Al Ahqaaf/25].

﴿تُدْمِرُ كُلَّ شَيْءٍ بِأَمْرِ رَبِّهَا﴾ [الأحقاف: 25]

Namely, everything which could possibly be destroyed.

Black seed is hot and dry and is an effective treatment for leprosy. When consumed with honey and hot water, it dissolves kidney and bladder stones..

Black seed oil can be used to treat snake bites, and a small amount can be added to water as a treatment for respiratory problems. When cooked in vinegar, one can gargle with it to relieve a toothache. When black seed oil is inhaled, it can be used as a treatment for facial paralysis, and a small amount can be used to treat tarantula bites.

When black seed is fried, ground, and placed in oil, a common cold accompanied by frequent sneezing can be treated by placing three or four droplets in the nostrils.

When black seed is burned and mixed with a melted candle and henna oil, it can be applied to the shins as a treatment for sores.

When black seed is ground and combined with vinegar, it may be applied as a treatment for leprosy, herpetic eruption, and ringworm.

When a small amount of black seed oil is placed in cold water, it can be consumed daily as a treatment for a dog bite. When black seed oil is inhaled, it can be used as a treatment for semiparalysis and tetanus, and it can also be used as an insect repellent when burned.

One should only drink a small amount of black seed oil, and some claim that a large amount is fatal.

Silk

It has preceded that that prophet (may Allaah send salutations upon him) allowed Az Zubayr and 'Abdur Rahman Bin 'Awf to wear silk due to itching, and it's constitution and benefits have also been mentioned. Consequently, there is no need for repetition.

Harf

Aboo Haneefa Ad Daynooree has said: this is a grain which is used as a medicine, and it has been mentioned as thifaa in one narration. However, harf is generally referred to as rashaad. Aboo 'Ubayd has said: thifaa and harf are synonymous.

The narration which Aboo Haneefa Ad Daynooree has alluded to is that of Ibn 'Abbaas which states that the prophet (may Allaah send salutations upon him) asked: (how are patience and thifaa a cure) ? Narrated by Aboo Daawud in Al Maraaseel.

Harf is hot and dry during the third stage, and it heats and softens the stomach. It discharges worms, relieves inflammation of the spleen, and stimulates sexual desire.

One may drink harf as a treatment for bites and stings. Harf may also be burned as an insect repellent, and it prevents hair loss.

Harf increases appetite and is a remedy for respiratory conditions, and one may drink it to expel mucous from the lungs and chest.

One may drink ground harf as a treatment for leprosy, and vinegar may be applied as a treatment for leprosy, herpetic eruption, as well as headaches which result from coldness and mucous. The residue of harf may also be used as a shampoo.

The following has been said: the strength of harf resembles the strength of the mustard seed. For this reason, it is used to heat hip pain, headaches, and other ailments which require warmth. Harf is also mixed with medicine and given to those suffering from asthma.

Halba

It has been mentioned that the prophet (may Allaah send salutations upon him) visited Sa'd Bin Abee Waqqaas in Makka when Al Haarith Bin Kalda was called to examine him. He said: he is fine. Thereafter, halba and moist 'ajwa dates were cooked for him and he recovered.

Halba is dry during the first degree and hot during the second degree. When halba is boiled, it softens the throat, chest, and stomach. It is an effective treatment for coughing and asthma, and it increases sexual desire. It may also be used to treat hemroids and respiratory conditions.

Halba makes ones hair curly when cooked and used as a shampoo, it may also be used to treat ringworm when cooked.

A woman may sit in the hot residue of halba to relieve inflammation of the womb, and the residue may be consumed as a treatment for colic.

Halba cooked with dates, honey, or figs expels mucous from the stomach and chest when consumed on an empty stomach, and it also relieves coughing.

It has been mentioned that Al Qaasim Bin 'Abdir Rahmaan has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (use halba as a medicine). Some physicians have said: if people knew the benefits of halba, they would buy it even if it were sold by it's weight in gold.

Bread

It has been narrated that Ibn 'Abbaas has said: the most favorite food of the messenger of Allaah (may Allaah send salutations upon him) was thareed. Narrated by Aboo Daawud.

It has been narrated that Ibn 'Umar has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (I wish that I had white bread made from brown wheat). Narrated by Aboo Daawud.

It has been narrated that 'Aa'isha has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (honor bread). Narrated by Al Bayhaqee.

As for the narration which prohibits that bread be sliced with a knife, it is false. Rather, it has been narrated that it is prohibited to slice meat with a knife, though this narration is also unreliable.

Aboo Ma'shar, Hishaam, 'Urwa, his father, and 'Aa'isha have narrated that the prophet (may Allaah send salutations upon him) has said: (do not slice meat with a knife, because this is a non-Arab practice).

Ahmad has said: this is incorrect and at variance with the narration of 'Amr Bin Umayya. The narration of Al Mugheera ('Amr Bin 'Umayya) is as follows: the prophet (may Allaah send salutations upon him) used to slice the meat of a sheep with a knife.

Chapter

It is best to eat bread at the end of the day, and soft bread is most nutritious.

Wheat bread is hot and nearly moderate in terms of moisture and dryness.

Barley bread is dry and is less nutritious than wheat bread.

Vinegar

It has been narrated that Jaabir Bin 'Abdillaah has said: the messenger of Allaah (may Allaah send salutations upon him) asked his family for a topping, so they said: we only have vinegar. Consequently, he asked for it and began eating, and he said: (vinegar is an excellent topping). Narrated by Muslim.

Umm Sa'd has narrated that the prophet (may Allaah send salutations upon him) has said: (O Allaah, bless vinegar, because it was the topping of the prophets, and a home which contains it is not deprived). Narrated by Ibn Maajah.

Vinegar is composed of hotness, though coldness is predominant. It is dry and absorbs moisture, and it is conducive to an inflamed stomach. It offsets the harm of lethal medicines, quenches thirst, and prevents inflammation. It aids digestion, expels mucous, and reduces thick foods. It is also a blood thinner.

One may gargle with hot vinegar to relieve a toothache and to strengthen the gums.

Vinegar may be applied as a treatment for inflammation, burns, and ant stings. It also increases appetite and is conducive to young men, and it is conducive to those within hot regions during the summer.

Oil

It has been narrated that Anas Bin Maalik has said: the messenger of Allaah (may Allaah send salutations upon him) oiled his hair quite often. Narrated by At Tirmidhee.

Oil moisturizes the body when used after a hot shower, and it serves as a conditioner when applied to hair.

Aboo Hurayra has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (consume oil and apply it to the body). Narrated by At Tirmidhee.

The usage of oil is a definite means of health preservation in hot regions such as the Hijaaz. In fact, the usage of oil is essential for those who dwell in hot regions. Conversely, it is unnecessary for those who dwell in cold regions, and oil can impair vision when applied to the head on a continuous basis.

The most beneficial oils are those which are simple. As for composite oils, some are cold and moist like violet oil which is an effective treatment for coughing and insomnia. It moistens the brain and relieves itching. It lubricates joints and is conducive during the summer to one whose constitution is hot.

There are two fabricated traditions in this regard:

1. (violet oil is greater than other oils as I am greater than other people).
2. (violet oil is greater than other oils as Islaam is greater than other religions).

Some composite oils are hot and moist such as Egyptian willow oil, though it is extracted from a seed and not a flower. Egyptian willow oil may be used as a treatment for freckles and herpetic eruption, and it expels mucous. It is also a tooth cleaner.

There is a fabricated narration in this regard, namely: (use Egyptian willow oil).

Dhareera

‘Aa’isha has said: I applied dhareera to the messenger of Allaah (may Allaah send salutations upon him) during the farewell pilgrimage while he was a muhrim and while he was not. Narrated by Al Bukhaaree and Muslim.

The benefits and essence of dhareera have already been discussed, hence there is no need for repetition.

Flies

It has preceded that the messenger of Allaah (may Allaah send salutations upon him) has enjoined that a fly be submerged if it falls upon ones meal due to the cure which it’s wing contains. It is similar to an antidote since the other wing contains poison, and we have mentioned other benefits as well.

Gold

The nose of ‘Arfaja Bin As’ad was severed on the day of kilaab, so he obtained a silver nose, though it produced an offensive odor. As a result, the prophet (may Allaah send salutations upon him) ordered him to obtain a golden nose. It has been said that this is the only narration of ‘Arjafa.

Gold is an adornment which brings joy to the soul, and it is an earthly secret of Allaah. It is the most noble of minerals and is unique in that is soil resistant when buried. It is an effective treatment for sorrow, anxiety, and lust, and it strengthens the body and improves the complexion. It can be used as a treatment for leprosy and various pains and is uniquely conducive to snake bites, it also strengthens the eye.

If one requires cauterization and uses gold, he will soon recover, and if one applies gold like antimony, his vision will improve.

Gold is amazingly unique in that it strengthens the soul. For this reason, it may be used during war, and At Tirmidhee has narrated that Mazeeda Al 'Asree has said: the messenger of Allaah (may Allaah send salutations upon him) entered upon the day of conquest with gold and silver upon his sword.

Souls covet gold, and the most high has said: **{man has been enticed to covet women, offspring, large quantities of gold and silver, adorned horses, livestock, and harvest}** [Aalu 'Imraan/14].

﴿زَيْنَ النَّاسِ حُبُّ الشَّهَوَاتِ مِنَ النِّسَاءِ وَالْبَنِينَ وَالْقَنَاطِيرِ الْمُقَنْطَرَةِ مِنَ الذَّهَبِ وَالْفِصَّةِ وَالْخَيْلِ

الْمُسَوَّمَةِ وَالْأَنْعَامِ وَالْحَرْثُ﴾ [آل عمران: 14]

It has been narrated in Al Bukhaaree and Muslim that the prophet (may Allaah send salutations upon him) has said: (if a child of Adam had a valley of gold, he would desire a second valley. If he had two valleys, he would desire a third. He will only become full of soil, and Allaah accepts repentance).

This will be the greatest cause of failure in the afterlife, and it is the greatest cause of disobedience to Allaah. It severs family ties, sheds blood, and violates what is sacred. It incites one to desire this life and to neglect what Allaah has prepared for his beloved. Consequently, many who are oppressive are aided while many who are oppressed are subjugated.

Half Ripe Dates

The most high has said: **{shake the trunk of the date-palm tree and delicious dates will fall upon you, and eat and drink at ease}** [Maryam/25-26].

﴿وَهَزَى إِلَيْكَ يَمْعُزَ النَّخْلَةِ تَسْقُطُ عَلَيْكَ رَطْبًا جَنِينًا﴾ ﴿٢٥﴾ ﴿فَكُلْ وَاشْرَبْ وَقَرَى عَيْنًا﴾ [مریم: 25-26]

'Abdullaah Bin Ja'far has said: I saw the messenger of Allaah (may Allaah send salutations upon him) eat half ripe dates and cucumber. Narrated by Al Bukhaaree and Muslim.

Anas has said: the messenger of Allaah (may Allaah send salutations upon him) would break his fast with half ripe dates before performing prayer. However, if they were unavailable, he would break his fast with ripe dates, and if they were unavailable, he would break his fast with water.

Narrated by Abo Daawud.

Half ripe dates are hot and moist like water. They strengthen a cold stomach and increase sexual desire. They are conducive to one whose temperament is cold and they are highly nutritious.

Half ripe dates are the most conducive fruit to the people of Al Madeena and other regions where they grow, and they are the most beneficial of fruits. However, they can infect the bodies of those who do not consume them on a regular basis. They can also cause headaches and toothaches when consumed in abundance, but this can be treated with oxymel.

The prophet (may Allaah send salutations upon him) broke his fast with half ripe dates, ripe dates, and water. The secret of this is that fasting empties the stomach, hence the liver cannot find anything to send forth. Whereas, sweets reach the liver faster than any other food, and they are dearest to the kidney, especially when moist. As a result, they are well received, and the kidney benefits thereafter. However, if dates are unavailable, then one may break his fast with water, because it reduces the heat of fasting causing greater intake.

Rayhaan

The most high has said: **{if he is amongst those who are near, then he will enjoy relaxation, rayhaan, and a garden of bliss}** [Al-Waqi'a/88-89].

﴿فَأَمَّا إِنْ كَانَ مِنَ الْمُقَرَّبِينَ﴾ (٨٨) ﴿فَرَوْحٌ وَرَيْحَانٌ وَجَنَّتْ نَعِيمٌ﴾ (٨٩) [الواقعة: 88-89]

It has been narrated in Saheeh Muslim that the prophet (may Allaah send salutations upon him) has said: (if one is offered rayhaan, he should not refuse it, because it is fragrant and lightweight).

Rayhaan is every plant which is fragrant, and people of all regions have a particular plant which they identify as such. Consequently, the people of the west have a plant named aas, and the people of Iraq and Syria have a plant named habq.

As for aas, it is cold and dry and is a remedy for diarrhea. It offsets vapors which are hot and moist, and it's fragrance brings joy to the heart. It also prevents infectious diseases.

Ground rayhaan and vinegar may be applied to the head to stop nasal bleeding, and rayhaan is effective when sprinkled upon sores. It also strengthens the body.

Rayhaan may be applied to the body to reduce excess moisture, and it can also be used as an anti-perspirant.

Rayhaan may be used to treat dandruff and head sores, and it also prevents hair loss.

As for the seed of rayhaan, it is an effective treatment for tarantula bites and scorpion stings.

As for Persian rayhaan which is referred to as habq, it is hot according to

some and it's fragrance is a remedy for coughing.

Some say that Persian rayhaan is moist while others say that it is dry. However, the truth of the matter is that it consists of the four compounds.

Persian rayhaan may be used to treat insomnia, and it's seed is conducive to diarrhea and colic. It also strengthens the heart and may be used to treat melancholic disorders.

Pomegranate

The most high has said: **{within them there are fruits, date-palms, and pomegranates}** [Ar Rahmaan/68].

[الرحمن: 68] ﴿فِيهَا فَاكِهَةٌ وَنَخْلٌ وَرُمَّانٌ﴾

It has been mentioned that Ibn 'Abbaas has narrated that the prophet (may Allaah send salutations upon him) has said: (each pomegranate of yours has been pollinated with a pomegranate seed from paradise).

Harb and others have mentioned that 'Alee has said: eat the tissue of the pomegranate, because it cleanses the stomach.

Sweet pomegranates are hot and moist and are conducive to the stomach, throat, chest, and lungs. They are a remedy for coughing and their residue softens the stomach and nourishes the body. They also produce heat and wind within the stomach, thus they increase sexual desire.

Bitter pomegranates are cold and dry and are conducive to an inflamed stomach, and they aid the flow of urine more than other types of pomegranates. They are also a remedy for diarrhea and vomiting, and they reduce heat within the kidney and strengthen the body.

One may cook pomegranate residue with a small amount of honey as a treatment for eyes which are yellow, and one may also do so to eliminate dense moisture.

Pomegranate seeds and honey may be applied to infected sores, and it has been said that three pomegranates per year prevent inflammation of the eyes.

Olive Oil

The most high has said: **{it is lit with the oil of a blessed olive oil tree which is neither eastern nor western}** [An Noor/35].

﴿يُوقَدُ مِنْ شَجَرَةٍ مُبَارَكَةٍ زَيْتُونَةٍ لَا شَرْقِيَّةٍ وَلَا غَرْبِيَّةٍ يَكَادُ زَيْتُهَا يُضِيءُ وَلَوْ لَمْ تَمْسَسْهُ نَارٌ﴾ [النور: 35]

Aboo Hurayra has narrated that the prophet (may Allaah send salutations upon him) has said: (consume olive oil and apply it to your bodies, because it comes from a blessed tree). Narrated by At Tirmidhee.

Ibn 'Umar has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (add olive oil to your food and apply it to your bodies, because it comes from a blessed tree). Narrated by Al

Bayhaqee and Ibn Maajah.

Olive oil is hot and moist and those who say that it is dry are mistaken. Olive oil is commensurate with the olive, hence the best oil is that which is extracted from ripe olives.

All types of olive oil moisturize the body and delay graying. As for olive oil residue, it is salty and is conducive to the gums. As for olive leaves, they prevent perspiration and may be used to treat infected sores.

Butter

It has been narrated that the two sons of Basr have said: the messenger of Allaah (may Allaah send salutations upon him) came to us, so we offered him dates and butter, and he was fond of dates and butter. Narrated by Aboo Daawud.

Butter is hot and moist and is highly beneficial. It relieves inflammation, moisturizes the body, and is conducive when applied to the gums of a teething infant. It also relieves coughing, though it suppresses the appetite.

The prophet (may Allaah send salutations upon him) combined dates and butter which was wise since one rectifies the other.

Raisins

An unreliable narration exists in this regard, namely: (raisins are an outstanding food, they are a breath freshener which dissolves mucous).

The best type of raisins are those which are large, soft, and thick. Raisins are hot and moist and their seeds are cold and dry. Raisins are similar to grapes and are conducive to the lungs, they also relieve kidney and bladder pain.

Raisins soften and strengthen the stomach, and those which are sweet are more nutritious than grapes, but less nutritious than figs. Raisins also strengthen the liver and spleen, and they relieve throat, chest, lung, kidney, and bladder pain.

Raisins and their seeds are conducive to the stomach, liver, and spleen, and seedless raisins are conducive to those who suffer from mucous.

Raisins aid memorization, and Az Zuhree has said: if one wishes to memorize prophetic tradition, he should eat raisins. Al Mansoor used to mention that his grandfather ‘Abdullaah Bin ‘Abbaas has said: raisin seeds are an ailment and raisins are a cure.

Ginger

The most high has said: **{therein they will be given a mixed drink containing ginger}** [Al Insaan/17].

﴿وَيُسْقَوْنَ فِيهَا كَأْسًا كَانَ مِزَاجُهَا زَنْجَبِيلًا﴾ [الإنسان: 17]

Aboo Na’eem has mentioned in the book At Tibb An Nabawee that Aboo

Sa'eed Al Khudree has said: the king of Rome gave the messenger of Allaah (may Allaah send salutations upon him) a jar of ginger, so he gave everyone a piece including myself.

Ginger is hot and moist and aids digestion while softening the stomach, and it is conducive to one whose vision is waning if digested or applied to the eye. Ginger increases sexual desire and is a remedy for gas build up.

Overall, ginger is conducive to the stomach and liver, and it dissolves mucous when combined with sugar and hot water. As for sour ginger, it is hot and dry and increases sperm. Sour ginger heats the stomach and liver and dries mucous. Sour ginger improves the memory and freshens breath, and it offsets the harm of foods which are cold and thick.

Sanaa

Sanaa has already been discussed.

Quince

Quince is cold and dry and is conducive to the stomach. Sweet quince is not as cold and dry as sour quince, though all types of quince are thirst quenching and may be used as a treatment for nausea. Quince also relieves ulcers, and it prevents the rise of vapors after a meal. However, excessive consumption of quince can cause nerve damage and colic.

It is best to eat quince which is cooked with honey, and the seed is conducive to the throat and lungs. It may also be used to treat numerous ailments. As for quince oil, it prevents perspiration and strengthens the stomach, and quince jam strengthens the stomach and liver.

Siwaak

It has been narrated that the prophet (may Allaah send salutations upon him) has said: (I would order my nation to use siwaak for every prayer if I would not cause difficulty). Narrated by Al Bukhaaree and Muslim.

It has been narrated that the prophet (may Allaah send salutations upon him) would use siwaak when awaking at night. Narrated by Al Bukhaaree and Muslim.

It has been narrated that the prophet (may Allaah send salutations upon him) would first use siwaak upon entering his home. Narrated by Muslim.

Prophetic traditions are numerous in this regard, and a reliable narration states that the prophet (may Allaah send salutations upon him) used the siwaak of 'Abdur Rahman Bin Abee Bakr on his death bed. He has also said: (I have emphasized siwaak a great deal). Narrated by Al Bukhaaree.

The best siwaak is taken from the araak tree and those which are similar, and siwaak should not be taken from a tree which is unknown, because it could be poisonous. In addition, siwaak should be used moderately to prevent dirt, abrasion, and the rise of vapors from the stomach.

Consequently, using siwaak in moderation produces shiny teeth, prevents cavities, and freshens breath.

It is best to moisten siwaak with rose water, and some of the best siwaak is taken from the roots of the walnut tree. The author of *At Tayseer* has said: they have claimed that if one uses it every Thursday, his head will be cleansed, his senses will be clear, and his mind will be sharp.

Siwaak is highly beneficial, it freshens breath, expels mucous, improves vision, clears the voice, aids digestion, and invigorates prayer, recitation, and remembrance. It also pleases Allaah and the angels, and it increases good deeds.

Siwaak is desireable at all times and is most preferable when performing ablution and prayer, and also upon awaking. It is also highly encouraged when ones breath becomes malodorous, and it is desireable for those who are fasting due to general prophetic traditions in this regard as well as necessity. It is also desireable since it pleases the lord, and his pleasure is sought more tenaciously when fasting. In addition, siwaak cleanses the mouth, and purification is one the greatest actions which one can perform while fasting.

It has been narrated that 'Aamir Bin Rabee'a has said: I have seen the messenger of Allaah (may Allaah send salutations upon him) use siwaak while fasting on countless occasions. Narrated y Al Bukhaaree.

Al Bukhaaree has said: Ibn 'Umar has said: one may use siwaak throughout the day.

All agree that one who fasts may rinse his mouth, and this exceeds the use of siwaak. In addition, it is not intended that ones breath become malodorous. Rather, it has been mentioned that the odor of a fasting person will be fragrant on the day of resurrection as an encouragement to fast. In fact, one who is fasting needs siwaak more than one who is not fasting.

In addition:

The pleasure of Allaah is greater than the breath of a fasting person.

Allaah loves siwaak more than the perpetual odor of a fasting person.

When a fasting person arrives on the day of resurrection, his breath will smell better than musk as a sign, even if he used siwaak. Similarly, when a wounded person arrives on the day of resurrection, his wound will smell like musk, even though he is obliged to cleanse his wound.

Siwaak does not kill the odor of a fasting person, because it it emanates from an empty stomach. Rather, siwaak kills subsequent bad breath.

The prophet (may Allaah send salutations upon him) taught his nation which acts are preferable during fasting and those which are not, though he did not include siwaak amongst the latter. In fact, he encouraged the use of siwaak in the most general of terms, and he was witnessed using siwaak while fasting on countless occasions. In addition, he knew that his

companions emulated him, though he never said: do not use siwaak once noon has arrived. Furthermore, necessary instruction cannot be delayed, and Allaah knows best.

Clarified Butter

Suhayb has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (you must drink milk, because it is a remedy, and clarified butter is a medicine, but the meat of a cow is an ailment). Narrated by At Tabaree.

Clarified butter is hot and moist and is an effective treatment for inflammation, it is also conducive to infants who are teething. Clarified butter rids the lungs and chest of mucous, though it can harm the stomach, especially if ones constitution is phlegmatic.

The clarified butter of cows and goats is an effective treatment for poison as well as snake bites and scorpion stings. In fact, it has been narrated that 'Alee Bin Abee Taalib has said the following in the book of Ibn As Sunnee: people could not find a greater remedy than clarified butter.

Fish

Ibn 'Umar has narrated that the prophet (may Allaah send salutations upon him) has said: (two carcasses and two types of blood have been declared lawful for us: fish and grasshoppers, and the liver and spleen). Narrated by Ahmad and Ibn Maajah.

There are many types of fish, and the best of which has a good taste and odor. It is of medium size and has thin scales and is not hard nor dry. It is found in water which is sweet and flowing and consumes vegetation and not filth.

Sea fish is of exceptional quality, and fresh sea fish is cold and moist and is difficult to digest. It also produces a large amount of mucous. Whereas, sea fish enriches the body, increases sperm, and is conducive to a hot constitution.

As for salty sea fish, the best of which is that which has recently become salty, and salty sea fish is hot and dry. As for salt water, one may sit in it as a treatment for newly acquired ulcers.

Jaabir Bin 'Abdillaah has said: the messenger of Allaah (may Allaah send salutations upon him) dispatched 300 foot soldiers, and our commander was Aboo 'Ubayda Bin Al Jarraah. When we reached the coast, we became so famished that we ate leaves. Consequently, the sea sent fourth a whale called amber which we ate for two weeks, and we used it's fat as a topping. Once we regained the weight which we had lost, Aboo 'Ubayda took a rib and erected it, and he passed beneath it carrying a man upon his camel. Narrated by Al Bukhaaree and Muslim.

Chard

Chard is hot and dry, and it has been said that it is moist. The residue of chard may be applied as a treatment for alopecia, freckles, ringworm, warts, and lice.

White chard and lentils soften the stomach, and the residue of white chard may be injected as a treatment for diarrhea. Chard lacks nutrients and inflames blood, but this can be rectified with mustard and vinegar.

Shooneez

Shooneez is black seed and has already been mentioned.

Shibrim

Shibrim is hot and dry and is conducive to dense gastric fluids and mucous, though it is fatal when consumed in abundance. In addition, shibrim must steep in milk for twenty-four hours, and the milk must be changed two or three times. It must also dry in the shade while mixed with roses, and it is consumed with liquified honey or grape juice.

Hunayn has said: as for shibrim milk, it should not be consumed at all in my opinion, because physicians have killed people with it.

Barley

It has been narrated that ‘Aa’isha has said: the messenger of Allaah (may Allaah send salutations upon him) would order the preparation of barley soup whenever his family became fever stricken, and he would say: (it strengthens the heart of one who is sad, and it uncovers the heart of one who is ill in the same way that you remove dirt from your faces with water). Narrated by Ibn Maajah.

It has already been mentioned that it is boiled barley residue, and it is an effective treatment for coughing. It also aids the flow of urine and quenches thirst.

Grilled Meat

Allaah the most high has said the following concerning the hospitality which his intimate friend Ibraaheem offered his guests: **{he brought a grilled calf without delay}** [Hood/69].

﴿فَمَا لَئِثَ أَنْ جَاءَ بِعِجْلٍ خَنِينٍ﴾ [هود: 69]

This calf was grilled upon hot stones.

It has been narrated that Umm Salama gave the messenger of Allaah (may Allaah send salutations upon him) grilled flank, and he ate it and prayed without performing ablution. Narrated by At Tirmidhee who has said: an authentic prophetic tradition.

It has been narrated that ‘Abdullaah Bin Al Haarith has said: we ate grilled meat with the messenger of Allaah (may Allaah send salutations

upon him) in the masjid.

It has been narrated that Al Mugheera Bin Shu'ba has said: I was the guest of the messenger of Allaah (may Allaah send salutations upon him) one night, so he demanded grilled flank. He then took a knife and began slicing it for me.

The best grilled meat is that of a one year old sheep followed by that of a corpulent calf. Conversely, the worst grilled meat is that which has been grilled in the sun, and grilled meat which is grilled over coal is better than grilled meat which is grilled with a flame.

Fat

It has been relayed that Anas has narrated that the messenger of Allaah (may Allaah send salutations upon him) was hosted by a Jew who gave him barley bread with melted fat. Narrated by Ahmad.

The best fat comes from an animal which is mature, and fat is hot and moist, though it is not as moist as clarified butter. It is conducive to an abrasive throat, and it's detriment may be offset with salted lemon and ginger. Fat is also an effective treatment for ulcers.

Prayer

Allaah the most high has said: **{seek aid through patience and prayer, and this is difficult for all except those who are reverent}** [Al Baqara/45].

﴿وَأَسْتَعِينُوا بِالصَّبْرِ وَالصَّلَاةِ وَإِنَّهَا لَكَبِيرَةٌ إِلَّا عَلَى الْخَاشِعِينَ﴾ [البقرة: 45]

{O you who believe, seek aid through patience and prayer. Allaah is indeed with those who are patient} [Al Baqara/153].

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا اسْتَعِينُوا بِالصَّبْرِ وَالصَّلَاةِ إِنَّ اللَّهَ مَعَ الصَّابِرِينَ﴾ [البقرة: 153]

{Order your family to pray, and be patient. We do not ask you for sustenance, we sustain you, and reverence will be rewarded} [Taha/132].

﴿وَأْمُرْ أَهْلَكَ بِالصَّلَاةِ وَاصْطَبِرْ عَلَيْهَا لَا تَسْأَلُكَ رِزْقًا نَحْنُ نَرْزُقُكَ وَالْعَاقِبَةُ لِلتَّقْوَى﴾ [طه: 132]

The following has been narrated in the Sunan: when the messenger of Allaah (may Allaah send salutations upon him) was faced with adversity, he would resort to prayer.

It has already been mentioned that prayer is a pain reliever when employed at the outset of an ailment.

Prayer brings sustenance and preserves ones physical and spiritual health. It whitens faces and delights souls. Through prayer, one gains strength and nourishment. Prayer also yields blessings and brings one closer to Allaah.

In general, prayer preserves physical and spiritual health amazingly, and if two men are tried, the one who prays will suffer less and will fair better in the long run.

Prayer also repels evil amazingly when it is inwardly and outwardly complete. As a result, prayer is the best means of avoiding evil and attaining benefit. The secret of this is that prayer is a bond with Allaah the magnificent, and blessings increase as this bond becomes stronger.

Patience

(patience is half of faith). This is because faith is composed of patience and gratitude, and some of the early believers have said: faith is two halves, one is patience and the other is gratitude. The most high has said: **{within that are miraculous signs for all who are patient and grateful}** [Ibraaheem/5].

﴿إِنَّ فِي ذَلِكَ لَآيَاتٍ لِّكُلِّ صَبَّارٍ شَكُورٍ﴾ [إبراهيم: 5]

Patience is to faith what the head is to the body. Patience is of three types, namely one does not forsake his duty to Allaah, one refrains from what he has prohibited, and one is pleased with his decree. Whoever has reached these levels is indeed patient, and none can attain the joy of this life and the next without crossing the bridge of perseverance. Similarly, none will enter paradise without crossing the siraat.

‘Umar Bin Al Khattaab has said: we attained the best through patience.

If you were to reflect upon the levels of completeness, you would realize that they cannot be reached without patience. Similarly, if you were to reflect upon blameworthy deficiency, you would realize that the cause is always lack of perseverance.

Most physical and spiritual ailments are caused by lack of perseverance, thus patience is the best means of preserving physical and spiritual health. In fact, Allaah is with those who are patient, and this is sufficient. In addition, patience is a means of success, and Allaah has said: **{O you who believe, be patient, resistant, and vigilant, and revere Allaah and you may succeed}** [Aalu ‘Imraan/200].

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا اصْبِرُوا وَصَابِرُوا وَرَابِطُوا وَاتَّقُوا اللَّهَ

لَعَلَّكُمْ تُفْلِحُونَ﴾ [آل عمران: 200]

Aloe

It has been narrated that Umm Salama has said: the messenger of Allaah (may Allaah send salutations upon him) came to me upon the death of Aboo Salama. Since I had applied aloe to his body, he asked: (what is that O Umm Salama) ? I replied: it is aloe O messenger of Allaah, and it is without fragrance. He said: (it burns the face, so apply it only at night). Narrated by Aboo Daawud.

Aloe is highly beneficial, especially Indian aloe. It relieves headaches

when mixed with rose oil and applied to the temple and forehead, and it is conducive to sores of the nose and mouth.

Persian aloe strengthens the mind, and two spoonfuls of Persian aloe and a glass of water rid the stomach of mucous.

Fasting

Fasting protects the soul from physical and spiritual ailments, and its benefits are countless. It preserves health and protects the soul amazingly, especially when observed in moderation and at times of virtue and necessity.

Fasting relieves the body and preserves energy, and it is unique in that it yields spiritual delight sooner or later. It is also conducive to one whose constitution is cold and moist.

Fasting is a spiritual medicine, and if one is mindful as expected in terms of law and nature, immense physical and spiritual benefit will ensue. Fasting is a protection which aids one to achieve a particular goal, because the objective of fasting exceeds abstaining from food and drink. In light of this, it is intended for Allaah the glorified unlike other deeds. In addition, it shields a slave from physical and spiritual harm sooner or later, thus Allaah the most high has said: **{O you who believe, you are obliged to fast like those before you so that perhaps you may become reverent}** [Al Baqara/183].

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ

مِن قَبْلِكُمْ لِمَلِكُمْ تَتَّقُونَ ﴿١٨٣﴾﴾ [البقرة: 183]

As a result, one of the objectives of fasting is spiritual protection, and the other objective is spiritual strength, and some of the secrets of fasting have already been mentioned.

Bear

Ibn 'Abbaas has narrated that the messenger of Allaah (may Allaah send salutations upon him) was asked if bear was unlawful when he refused to eat it, and he replied: (no, though it is unknown to my people, thus I dislike it). Narrated by Al Bukhaaree and Muslim.

However, bear was consumed in his presence as he watched.

Ibn 'Umar has narrated that the prophet (may Allaah send salutations upon him) has said: (I declare it lawful and not unlawful). Narrated by Al Bukhaaree and Muslim.

Bear is hot and dry and increases sexual desire, and ground bear is an effective treatment for splinters.

Frogs

Ahmad has said: frogs cannot be used to create medicine, because the

messenger of Allaah (may Allaah send salutations upon him) forbade that they be killed. He was referring to the narration of 'Uthmaan Bin 'Abdir Rahmaan in the Musnad which states that a physician mentioned that a frog was used to create medicine and that the messenger of Allaah (may Allaah send salutations upon him) forbade him to kill frogs.

The author of Al Qaanoon has said: if one consumes the blood or carcass of a frog, his body will become inflamed, his complexion will become dark, and his sperm secrete until he dies. For this reason, physicians do not use frogs, and frogs are of two types: aquatic and land-dwelling. As for the latter, they are lethal when consumed.

Fragrance

The messenger of Allaah (may Allaah send salutations upon him) has said: (women and fragrance have become dear to me, and prayer is a source of tranquility for me).

The messenger of Allaah (may Allaah send salutations upon him) applied fragrance a great deal, and fragrance increases strength like food and drink.

In general, the messenger of Allaah (may Allaah send salutations upon him) cherished fragrance, and it is an effective means of health preservation, because it strengthens the body.

Figs

Figs have been mentioned in fabricated prophetic traditions such as the following: (one who eats figs contributes to his own death).

All narrations concerning figs are completely unreliable, nevertheless they are harmful.

Bananas

The most high has said: **{a banana tree with aligned fruit}**. Bananas are hot and moist, and the best of which are ripe and sweet. Bananas are conducive to respiratory abrasion and may be used to heal the bladder and kidney. Bananas aid the flow of urine and increase sexual desire, they also soften the stomach. However, they increase mucous and bile, but their detriment can be offset with sugar or honey.

Grapes

It has been mentioned that the messenger of Allaah (may Allaah send salutations upon him) was fond of grapes and watermelon.

Allaah the glorified has mentioned grapes in six instances amongst his bounties, and they are one of the best fruits. Grapes are a fruit, a topping, a medicine, and a drink. When white and red grapes are equally sweet, the former are more preferable. Similarly, grapes which were picked three days earlier are better than those picked the same day, because the latter causes

distention. Grapes are similar to figs and raisins in terms of nutrition, and grapes soften the body more when their seeds are discarded. However, when grapes are consumed in abundance, they cause headaches, but this can be offset with sour pomegranates.

Grapes, half-ripe dates, and figs are the kings of all fruits.

Honey

The benefits of honey have already been mentioned. Ibn Jurayj has said: Az Zuhre has said: you must consume honey, because it aids memorization. The best honey comes from trees and mountainous, and the quality of honey depends upon the location of the bee.

'Ajwa Dates

Sa'd Bin Abee Waqqaas has narrated that the prophet (may Allaah send salutations upon him) has said: (if one eats seven 'ajwa dates in the morning, he will not be harmed by poison or sorcery that day). Narrated by Al Bukhaaree and Muslim.

Jaabir and Aboo Sa'eed have narrated that the prophet (may Allaah send salutations upon him) has said: ('ajwa dates are heavenly). Narrated by An Nasaa'ee and Ibn Maajah.

It has been said that this refers to the 'ajwa dates of Al Madeena which are indeed some of the best dates of the Hijaaz. They are some of the softest and most delicious dates, and the benefits and constitution of dates have already been mentioned, as well as the efficacy of 'ajwa dates in offsetting poison and sorcery, hence there is no need for repetition.

Amber

The story of Aboo 'Ubayda has been narrated in Al Bukhaaree and Muslim, and it states that he and those with him ate a whale called amber for a month. This indicates that fish is not the only seafood which is lawful, it also indicates that dead sea creatures are not prohibited. However, it has been said that the whale was lawful because it died upon the shore, but this is incorrect. Rather, it was found dead, and no one observed that it was alive when it emerged from the sea.

In addition, had the whale been alive, it would not have been cast ashore, because it is a well known fact that only dead sea creatures are cast ashore.

Furthermore, even if the previous supposition were tenable, it could not be a condition, because permissibility cannot be proven by uncertainty. For this reason, the prophet (may Allaah send salutations upon him) forbade that one eat seafood which a fisherman finds submerged in water, because the cause of death is indefinite.

As for the fragrance amber, it is the best scent after musk. Consequently, those who maintain the reverse are mistaken. In fact, the prophet (may

Allaah send salutations upon him) has said concerning musk: (it is the finest of fragrances) , and it is the fragrance of paradise.

Those who believe that amber is better than musk have been misled due to the fact that amber does not change over a long period of time. As a result, it is similar to gold, though this one distinction does not make amber and musk equal.

Amber is of many types and colors. Consequently, amber is gray, red, yellow, blue, and black. The best quality amber is gray, then blue, then yellow. Whereas, the worst quality amber is black, and there is a discrepancy concerning the essence of amber. As a result, the following has been said:

Amber grows at the bottom of the sea and is swallowed by sea creatures. Thereafter, it is discharged in the form of excrement and is then cast ashore.

Amber is dew which descends upon islands before being cast ashore by waves.

Amber is the dung of a sea creature which resembles a cow.

Amber is the foam of the sea.

The author of *Al Qaanoon* has said: amber is thought to emerge from a sea spring, and the notion that it is the foam of the sea or droppings is implausible.

Amber is hot and dry and strengthens the mind, body, and senses. Amber is conducive to phlegmatic ailments and gastral pain when consumed with fluid or applied externally, and it is conducive to headaches and the common cold when used as incense.

Aloeswood

Indian aloeswood is of two types:

One type of Indian aloeswood is used in medicine and the other type is used in fragrance. It has been narrated in *Saheeh Muslim* that Ibn 'Umar used aloeswood incense, and the messenger of Allaah (may Allaah send salutations upon him) has said that the people of paradise will enjoy aloeswood incense.

There are various types of aloeswood, Indian aloeswood is the best followed by Chinese aloeswood. Black aloeswood is the most superior followed by blue aloeswood, and inferior aloeswood is lightweight and buoyant.

The following has been said: aloeswood is a tree which is chopped down and buried for a year, and the earth consumes what is not beneficial leaving fragrant wood.

Aloeswood is hot and dry and relieves gas and excess moisture. Aloeswood is conducive to the mind and senses and is an effective treatment for incontinence which is caused by coldness within the bladder.

Ibn Samjoon has said: aloeswood is of many types and is used internally and externally. It is used as an incense and is combined with other types of incense such as camphor. The medical import of this is that the former rectifies the latter and vice versa. In addition, aloeswood incense improves air quality, and air is one of six vital entities which contribute to good health when favourable.

Lentils

All narrations concerning lentils are fabricated, such as: (they have been sanctified upon the tongues of seventy prophets). The most reliable narration in this regard states that the Jews preferred lentils instead of al mann and as salwa, and it also states that lentils have been mentioned amongst onions and garlic.

Lentils are cold and dry and their skins are hot and dry, they are also an antidote. For this reason, ground lentils are less beneficial and are heavier upon the stomach, because they do not digest quickly due to their coldness and dryness. In addition, they cause melancholy and impair vision.

Those who suffer from melancholy should avoid lentils, because if they consume them in abundance, ailments such as leprosy will result. However, the detriment of lentils can be reduced with chard.

One should not consume lentils and sweets simultaneously, because this is harmful to the liver, and consuming lentils on a regular basis can cause extreme dryness which impairs vision. In addition, consuming lentils on a regular basis can impede the flow of urine and can also lead to inflammation.

The best lentils are white, ripe, and plentiful.

As for the ignorant who believe that Ibraaheem offered his guests lentils, Allaah has narrated that he offered them grilled calf.

Al Bayhaqee has mentioned that Ishaq has said: Ibn Al Mubaarak was questioned concerning the following narration: (they have been sanctified upon the tongues of seventy prophets) , and he replied: lentils have not been sanctified upon the tongues of any prophets, they are harmful.

Rain

Rain has been mentioned throughout the Qur'aan, and it is the most blessed and beneficial of waters, especially when produced by thunderous clouds and gathered by mountainous marshes. Rain contains more moisture than any other water, because it does not remain upon the ground long enough to acquire the dryness of the earth. Is spring rain finer than winter rain? Those who maintain that winter rain is finer than spring rain say: the heat is less during the winter, thus it only draws the finest water from the sea. In addition, the atmosphere is free of dust and vapors, and this necessitates that winter rain is finer and purer than spring rain.

Those who maintain that spring rain is finer than winter rain say: the heat causes vapors to become sparse and air to become thin, thus water becomes light.

Ash Shaafi'ee has mentioned that Anas Bin Maalik has said: it began raining while we were with the messenger of Allaah (may Allaah send salutations upon him) , so he said: (it is newly created). It has already been mentioned that the messenger of Allaah (may Allaah send salutations upon him) would seek the blessings of rain when it first appeared.

Al Faatiha

Al Faatiha is the mother of the Qur'aan, as saba'a al mathaane, the complete remedy, the beneficial medicine, the complete incantation, and the key to success. It preserves strength and relieves the sorrow, fear, and anxiety of one who duly appreciates it, is capable of using it as a remedy, and knows the secret of it's efficacy.

Some of the companions used Al Faatiha to treat a sting, and the patient recovered. As a result, the prophet (may Allaah send salutations upon him) asked: (how did you know that it is an incantation) ?

Once one has been guided to reflect upon the secrets and contents of Al Faatiha, many medicines and incantations become useless, and the gates of goodness are opened.

This requires a new mind, faith, and disposition. By Allaah, whenever you find innovation, you will find a clear refutation in Al Faatiha, and whenever you find knowledge which is divine or spiritual, you will find the key in Al Faatiha.

Al Faatiha is even greater than this, and a slave cannot comprehend and adhere to it and commit an act of polytheism or innovation, nor can his heart be afflicted.

Al Faatiha is the key to earthly and heavenly treasures. However, not everyone is capable of using this key, because one must reflect upon the secrets of Al Faatiha. In addition, he must add teeth to his key and use it properly. We mean this literally, though Allaah the most high has only divulged this secret to a few in his profound wisdom. Similarly, he has concealed the treasures of the world, and they are obstructed by Satanic souls which are subdued only by noble souls armed with faith. However, most human souls are not as such, hence they cannot wage an offensive.

Faaghiya

Faaghiya is the blossom of henna and is one of the most fragrant plants. Al Bayhaqee has said in his book Shu'ab Al Eemaan that 'Abdullaah Bin Burayda and his father have narrated that the prophet (may Allaah send salutations upon him) has said: (faaghiya is the master of fragrant plants in this life and the next). It has also been narrated in Shu'ab Al Eemaan that

Anas Bin Maalik has said: faaghiya was the dearest of fragrant plants to the messenger of Allaah (may Allaah send salutations upon him). Allaah is most aware of the status of these two narrations, and we do not declare a tradition prophetic unless we know that it is authentic.

Faaghiya is hot and dry and protects wool garments from moths.

Silver

The ring and sword of the messenger of Allaah (may Allaah send salutations upon him) were silver, and there are no reliable narrations which state that he forbade silver jewelry and apparel as he forbade the use of silver drinking utensils. The chapter of utensils is more restrictive than the chapter of jewelry and apparel. For this reason, women may wear silver jewelry and apparel but may not use silver utensils, hence the aforementioned prohibition does not apply to both the former and latter.

The following has been narrated in the Sunan: (as for silver, play with it). As a result, the prohibition in question requires text or consensus, and if either cannot be provided, then one cannot be certain that silver is unlawful for males. In fact, the prophet (may Allaah send salutations upon him) held gold in one hand and silk in the other and said: (these two are unlawful for the males of my nation but are lawful for females).

Silver is one of the earthly secrets of Allaah, and a person who owns it is venerated. His testimony and intercession are accepted, and silver will enhance his appearance even more if he is gray headed.

Silver is a remedy for sorrow and anxiety. It also strengthens the heart. It is cold and dry and yields heat and moisture. In fact, there are four heavenly abodes which Allaah the magnificent has prepared for his beloved, two of which are gold and two of which are silver. Umm Salama has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (if one drinks from gold and silver utensils, the fire of hell will babble in his stomach). Narrated by Al Bukhaaree and Muslim.

Some have said: the objective of this prohibition is the restriction of wealth. As a result, using silver to create utensils opposes legal wisdom and human welfare.

Some have said: the objective of this prohibition is to prevent conceit.

Some have said: the objective of this prohibition is to prevent the needy from becoming despondent at the sight of silver utensils.

Wealth restriction prevents the creation of silver jewelry while allowing the creation of items other than currency and utensils. As for conceit, it is forbidden in general. As for the despondence of the needy, it cannot be specified, because the needy become despondent at the sight of luxuries which are lawful.

The truth of the matter is that the objective of this prohibition is to

maintain the servitude of the heart, and Allaah knows best. For this reason, the prophet (may Allaah send salutations upon him) specified the prohibition stating that silver utensils are for the disbelievers on earth since they cannot attain heavenly bliss due to their lack of servitude. Consequently, it is inappropriate that the slaves of Allaah use silver utensils on earth. Rather, they are used by those who are not subservient to Allaah and prefer this life instead of the next.

Qur'aan

Allaah the most high has said: **{in the Qur'aan we reveal a remedy which is a mercy for the believers}** [Al Israa/82].

﴿وَنَزَّلْنَا مِنَ الْقُرْآنِ مَا هُوَ شِفَاءٌ وَرَحْمَةٌ لِّلْمُؤْمِنِينَ﴾ [الإسراء: 82]

{O humanity, you have received an admonition from your lord and a cure for what lies within the chest} [Yoonus/57].

﴿يَا أَيُّهَا النَّاسُ قَدْ جَاءَ تَكْمٌ مَّوْعِظَةٌ مِّن رَّبِّكُمْ وَشِفَاءٌ لِّمَا فِي الصُّدُورِ﴾ [يونس: 57]

As a result, the Qur'aan is a complete remedy for all physical and spiritual ailments, though not every one is capable of recovery. However, if one undergoes therapy and is faithful and observant, he will never become ill.

How could illness resist the speech of Allaah? The Qur'aan indicates how all physical and spiritual ailments are caused, and it provides a cure as well as a means of prevention. It has been mentioned in the beginning of the chapter that the Qur'aan indicates the basis of medicine, i. e. the preservation of health, the prevention of illness, and the expulsion of harmful matter.

As for spiritual ailments, their cause and remedy have been mentioned, and Allaah has asked: **{is it not sufficient that we reveal the book which is recited to them}** [Al 'Ankaboot/51].

﴿أَوَلَمْ يَكْفِهِمْ أَنَّا أَنزَلْنَا عَلَيْكَ الْكِتَابَ يُتْلَىٰ عَلَيْهِمْ﴾ [العنكبوت: 51]

As a result, if one cannot be cured by the Qur'aan, then he cannot be cured by Allaah. Similarly, if one does not find the Qur'aan sufficient, then he will not find Allaah sufficient either.

Cucumber

'Abdullaah Bin Ja'far has narrated that the messenger of Allaah (may Allaah send salutations upon him) used to eat cucumber and half ripe dates. Narrated by At Tirmidhee and others.

Cucumber is cold and moist. It cools the stomach and relieves bladder pain, but it slowly exits the stomach and is harmful to the stomach. Consequently, the coldness and moisture of this food should be offset with

another food, hence the messenger of Allaah (may Allaah send salutations upon him) combined cucumber and half ripe dates. One may also add raisins or honey.

Qust

Anas has narrated that the prophet (may Allaah send salutations upon him) has said: (cupping and sea qust are the best treatments you could employ).

Umm Qays has narrated that the prophet (may Allaah send salutations upon him) has said: (you must utilize this Indian wood, because it is a cure for seven ailments including pleurisy). Narrated by Ahmad.

Qust is of two types:

There is white qust which is referred to as sea qust and there is Indian qust which is hotter. White qust is softer than Indian qust and both the former and latter are highly beneficial.

White qust and Indian qust are hot and dry. They are an effective treatment for mucous and the common cold, and they are conducive to a weak liver and stomach when consumed with liquid. They also relieve pain caused by pleurisy and may be used to treat poisoning.

Ignorant physicians have been unable to realize that qust relieves pain caused by pleurisy. However, many earlier physicians have stated that qust is an effective treatment for phlegmatic pleurisy, and Al Khattaabee has mentioned this via Muhammad Bin Al Jahm.

If these ignorant physicians found that a medicine was attributed to Jews, Christians, or polytheists, they would willingly accept it. Nevertheless, we do not deny that routine makes a medicine effective, thus a medicine or food which one is accustomed to is more beneficial than a medicine or food which one is not accustomed to. In fact, a medicine or food which is foreign could be valueless in this case.

Sugar Cane

The following has been said concerning the basin: (it's water is sweeter than sugar) , and I do not believe that sugar has been mentioned in another prophetic tradition.

Sugar is modern, thus it was not discussed by earlier physicians, because it was unknown to them. Rather, they were familiar with honey which they added to medicine.

Sugar cane is hot and moist and relieves coughing. It softens more effectively than sugar and may be used to treat nausea. It aids the flow of urine, increases sexual desire, and is conducive to an abrasive throat or chest when grilled. However, it produces gas, but this can be offset by peeling it and rinsing it in hot water.

Sugar is actually hot and moist, though some say that it is cold. White sugar is the best, and the finest sugar is aged. Sugar relieves coughing and is thirst quenching when cooked. However, it is harmful to a stomach which produces bile, but this can be offset with lemon juice.

Some people prefer sugar instead of honey, though honey is much more valuable than sugar. In fact, Allaah has made honey a medicine, a topping, and a sweetener. Honey strengthens the stomach, softens the body, and sharpens vision. It heats the body, increases libido, and cleanses the stomach. It rids the body of mucous and is conducive to one who is elderly or one whose temperament is cold. Overall, nothing is more conducive to the body than honey. Consequently, the benefits of honey outweigh the benefits of sugar by far.

Written Incantations For The Fever

Al Marwazee has said: Aboo ‘Abdillaah was informed that I was fever stricken, so he wrote an incantation for me which read: in the name of Allaah, most gracious, most compassionate. Muhammad is the messenger of Allaah. **{we said O fire, become cool and tranquil before Ibraaheem. They conspired against him, thus we made them losers}** [Al Anbiyaa/69-70].

﴿قُلْنَا يَا نَارُ كُفِّي بَرْدًا وَسَلَامًا عَلَىٰ إِبْرَاهِيمَ ۝٧٠ وَأَرَادُوا بِهِ كَيْدًا فَجَعَلْنَاهُمُ

الْأَخْسَرِينَ ﴿٧٠﴾﴾ [الأنبياء: 69-70]

O Allaah, lord of Jibraa’eel, Meekaa’eel, and Israafeel, cure the holder of this writing with your power O deity of truth.

Al Marwazee has said: Yoonus Bin Hibbaan has said: I asked Aboo Ja’far about hanging an incantation, so he said: do so if it is the book of Allaah or the speech of the prophet. I said: I will write the following for a fever: in the name of Allaah. Muhammad is the messenger of Allaah...He said: yes.

Ahmad has mentioned via ‘Aa’isha and others that the companions were lenient in this regard. Harb has said: Ahmad Bin Hanbal was not strict in this regard unlike Ibn Mas’ood. When Ahmad was questioned concerning incantations which are hung once a tribulation has occurred, he replied: I hope that this is not objectionable.

Al Khallaal has said: ‘Abdullaah Bin Ahmad said to us: I saw my father write incantations for those suffering from fever and fright.

Written Incantations Which Ease Delivery

Al Khallaal has said: ‘Abdullaah Bin Ahmad has said: I have seen my father write the following narration of Ibn ‘Abbaas in order to ease delivery: there is no deity worthy of worship except Allaah the forbearing and generous. Glory be to Allaah the lord of the exalted throne. Praise belongs

to Allaah to sustainer of all creation. **{on the day when they see what they were promised, it will seem that they only remained for an hour}** [Al Ahqaaf/35].

﴿كَأَنَّهُمْ يَوْمَ يَرَوْنَ مَا يُوعَدُونَ لَمْ يَلْبِسُوا إِلَّا سَاعَةً مِّنْ نَّهَارٍ بَلُغٌ﴾ [الأحقاف:35]

{On the day when they see it, it will seem that they only remained for part of a day} [An Naazi'aat/46].

﴿كَأَنَّهُمْ يَوْمَ يَرَوْنَهَا لَمْ يَلْبِسُوا إِلَّا عَشِيَّةً أَوْ ضُحًى﴾ [النازعات:46]

It has been mentioned that Ibn 'Abbaas has said: 'Eesa came across a cow which could not deliver, so she said: O word of Allaah, supplicate so that I may deliver. He said: O creator of the soul who has brought fourth the soul, make her deliver. He said: consequently, she gave birth as she stood. Ibn 'Abbaas has said: as a result, if a woman cannot deliver, then write this incantation.

These are all incantations, hence they are helpful when written. In fact, some of the early believers have allowed one to write the Qur'aan and to consume it with liquid as a divine remedy.

One may also write the following upon a clean plate: **{when the heavens split and submit to their lord as obliged. When the earth is spread-out and ejects what lies within}** [Al Inshiqaaq/1-4].

﴿إِذَا السَّمَاءُ انشَقَّتْ ۖ وَأَذِنَتْ لِرَبِّهَا وَحِفَّتْ ۚ وَإِذَا الْأَرْضُ مُدَّتْ ۚ﴾

﴿وَأَلْقَتْ مَا فِيهَا وَتَخَلَّتْ ۚ﴾ [الانشقاق:1-4]

A pregnant woman drinks this and it is sprinkled upon her stomach.

Nasal Bleeding

Shaykhul Islaam Ibn Taymiyya used to write the following upon his forehead: **{it was said O heavens and earth, retain your water, and it diminished}** [Hood/44].

﴿وَقِيلَ يَا أَرْضُ ابْلَعِي مَاءَكِ وَيَسْأَمْهَ أَقْلَعِي وَغِيضَ الْمَاءِ وَفُضِيَ الْأَمْرُ﴾ [هود:44]

I heard him say: those whom I wrote this for recovered. However, it may not be written with nasal blood, because blood is impure.

The following may also be written: **{he removes and retains what he pleases, and with him is the preserved tablet}** [Ar Ra'd/39].

﴿يَمْحُو اللَّهُ مَا يَشَاءُ وَيُنْثِثُ وَعِنْدَهُ أُمُّ الْكِتَابِ﴾ [الرعد:39]

Written Incantations For Ringworm

The following should be written upon the effected area: **{it was stricken by fire and wind thus it ignited}** [Al Baqara/266].

﴿فَأَصَابَهَا إِعْصَارٌ فِيهِ نَارٌ فَاحْتَرَقَتْ﴾ [البقرة:266]

The following may be written when the sun becomes yellow: **{O you who are faithful, revere Allaah and believe in his messenger. He will reward you twice, grant you light, and forgive you, and Allaah is forgiving and merciful}** [Al Hadeed/28].

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَآمِنُوا بِرَسُولِهِ يُؤْتِكُمْ كِفْلَيْنِ مِنْ رَحْمَتِهِ وَيَجْعَلْ لَكُمْ نُورًا تَمْشُونَ بِهِ وَيَغْفِرْ

لَكُمْ وَاللَّهُ غَفُورٌ رَحِيمٌ ﴿٢٨﴾ [الحديد: 28]

Mushrooms

The prophet (may Allaah send salutations upon him) has said: (mushrooms were amongst the foods which were sent by Allaah, and their residue heals the eye). Narrated by Al Bukhaaree and Muslim.

Mushrooms lie beneath the ground and do not have leaves or stems. They appear during springtime and are cooked and eaten raw. The Arabs refer to them as the vegetation of thunder, because they proliferate during thunderstorms. They are a rural food and are abundant upon Arab soil, and the best mushrooms are found upon land which is dry and sandy.

Mushrooms are cold and moist and digest slowly. If one consumes them regularly, colic or stomach pain may ensue, and it may become difficult to urinate.

Moist mushrooms are less harmful than dry mushrooms, and mushrooms should be buried amongst moist figs. They should also be boiled in salt water and thyme and consumed with oil.

Mushrooms improve vision when applied like antimony, and esteemed physicians such as Al Maseehi and the author of Al Qaanoon have acknowledged that mushroom residue cleans the eye.

There are two positions regarding his statement: (mushrooms were amongst the foods which were sent by Allaah).

1. The food which was sent to the children of Israel was not only sweet. Rather, it was assorted, and it was not acquired. In addition, Allaah gave the children of Israel mushrooms in place of bread, and he gave them quail in place of meat.

2. Mushrooms were compared to the food which was sent by Allaah, because they are obtained without effort.

One may say: if what has preceded is true, then why are mushrooms harmful?

You must know that the creation of Allaah the glorified is perfect, thus it is initially flawless and is completely beneficial. Rather, flaws arise thereafter for various reasons.

One who is familiar with the beginning of the world knows that it was initially perfect. Thereafter, man disobeyed the messengers causing drought,

illness, and pestilence. As a result, the earth was no longer blessed, though if you cannot realize this, then the following statement of the most high will suffice: **{ruin appeared on land and at sea due to the works of man}** [Ar Room/41].

﴿ظَهَرَ الْفَسَادُ فِي الْبَرِّ وَالْبَحْرِ بِمَا كَسَبَتْ أَيْدِي النَّاسِ﴾ [الروم: 41]

This verse applies to global conditions.

Whenever people are unjust and iniquitous, the blessed and most high lord afflicts man and earth. As a result, seeds were much larger and blessed in the past, and Ahmad has narrated that a wheat seed was found in a chest of Banoo Umayya. It was the size of a date pit and the following was inscribed upon it: this was harvested during just times. Ahmad mentioned this story in his Musnad at the end of a prophetic tradition which he narrated.

Most of this adversity is a remnant of the punishment which befell previous nations, and the prophet (may Allaah send salutations upon him) has said: (it is a remnant of the punishment which befell the children of Israel).

Similarly, Allaah the glorified and most high afflicted a people with wind for eight days, and he withheld a portion of it on earth.

Allaah the glorified has made actions dictate consequences. As a result, refusing to pay obligatory charity leads to drought. Similarly, oppressing the needy leads to unjust rule, thus Allaah the glorified wisely and fairly shows man his deeds in an appropriate manner. Consequently, he does so in the form of drought, enemy aggression, unjust rule, sickness, and misery.

When an intelligent person observes the wisdom and fairness of Allaah, it becomes clear to him that the messengers and their followers are on the path to salvation and that the rest of creation is on the path to destruction, and success lies with Allaah.

As for his statement: (their residue heals the eye), three positions exist:

1. Mushroom residue is mixed with eye medicine and is not used by itself, and this has been mentioned by Aboo 'Ubayd.

2. Mushrooms are grilled, because fire makes them soft and ripe and melts harmful matter.

3. Mushroom residue is rain, and this has been mentioned by Ibn Al Jawzee, though it is the most remote possibility.

It has been said that when mushroom residue is used to treat the eye, it may be used by itself.

Al Ghaafiqee has said: mushroom residue is the best medicine for the eye when kneaded with ithmid and applied like antimony.

Katm

'Uthmaan Bin 'Abdillaah Bin Mawhib has said: when we came to Umm

Salama, she brought a hair of the messenger of Allaah (may Allaah send salutations upon him) to us, and it was dyed with henna and katm. Narrated by Al Bukhaaree and Muslim.

It has been narrated in the Sunan that the prophet (may Allaah send salutations upon him) has said: (the best dye for gray hair is henna and katm).

It has been narrated in Al Bukhaaree and Muslim that Aboo Bakr dyed his hair with henna and katm.

It has been narrated that Ibn 'Abbaas has said: a man who dyed his hair with henna passed the prophet (may Allaah send salutations upon him) , thus he said: (how fine this is). Thereafter, a man passed him who dyed his hair with henna and katm, thus he said: (this is better than that). Finally, a man passed him who dyed his hair with yellow dye, thus he said: (this is the finest).

Al Ghaafiqee has said: katm is a plant which grows upon low lying lands, and it's leaves resemble olive leaves.

One may say: It has been narrated in Al Bukhaaree that Anas has said: the prophet (may Allaah send salutations upon him) did not dye his hair.

Ahmad Bin Hanbal has responded as follows: other people have declared that the prophet (may Allaah send salutations upon him) dyed his hair, and those who witnessed this are unlike those who did not. Scholars of prophetic tradition other than Ahmad have affirmed that the prophet (may Allaah send salutations upon him) dyed his hair, though Maalik has denied this.

One may say: Aboo Quhaafa came to the messenger of Allaah (may Allaah send salutations upon him) , and his hair and beard were white. As a result, he said: (change this color, though avoid black dye) , and katm makes hair black.

1. It is unlawful to use dye which is completely black, thus one may use katm if it is combined with henna for example.

2. It is unlawful to use black dye in order to mislead others. For example, some dye their hair black when seeking a spouse, but this is deception. However, Al Hasan and Al Husayn used to dye their hair black as Ibn Jareer has mentioned in Tahdheeb Al Aathaar, and he mentioned that the following companions did so as well:

'Uthmaan Bin 'Affaan

'Abdullaah Bin Ja'far

Sa'd Bin Abee Waqqaas

'Uqba Bin 'Aamir

Al Mugheera Bin Shu'ba

Jareer Bin 'Abdillaah

'Amr Bin Al 'Aas

He also mentioned that the following taabi'oon dyed their hair black:

'Amr Bin 'Uthmaan
 'Alee Bin 'Abdillaah Bin 'Abbaas
 Aboo Salama Bin 'Abdir Rahmaan
 'Abdur Rahmaan Bin Al Aswad
 Moosa Bin Talha
 Az Zuhree
 Ayyoob
 Ismaa'eel Ibn Ma'deekarib

In addition, Ibn Al Jawzee has narrated that the following early believers used to dye their hair black:

Muhaarib Bin Dithaar
 Yazeed
 Ibn Jurayj
 Aboo Yoosuf
 Aboo Ishaaq
 Ibn Abee Layla
 Ziyaad Bin 'Alaaqa
 Ghayalaan Bin Jaami'
 Naafi' Bin Jubayr
 'Amr Bin 'Alee
 Al Qaasim Bin Salaam
 Karam

Karam is a grape tree, but this name is disliked due to the following narration of Muslim: (you must not call a grape tree karam, because this is a Muslim man). The following has appeared in other narrations: (rather, karam is the heart of the believer).

1. The Arabs used to refer to the grape tree as karam due to it's many benefits, hence the prophet (may Allaah send salutations upon him) disliked this name since it made people love the intoxicating fruit which it produced.

2. Similarly, the prophet (may Allaah send salutations upon him) has said: (it is not one who wrestles who is strong) (it is not one who roams who is needy). Namely, you refer to the grape tree as karam due it's many benefits, though this title actually applies to the heart of the believer or the Muslim man, because a believer is completely good. Consequently, the prophet (may Allaah send salutations upon him) indicated that good lies within the heart of the believer, thus he deserves the title karam more than the grape tree.

Leek

The following fabricated prophetic tradition has been narrated in this regard: (if one eats leek and goes to sleep, he will be safe from hemorrhoids,

though the angel will avoid him until he awakes due to the smell of his breath).

Leek is of two types: one is Nabataean and the other is Syrian. Leek is hot and dry and Nabataean leek is an effective treatment for hemorrhoids. In addition, the seed may be ground and kneaded with tar and then burned to rid molars of bacteria, and also to relieve pain.

However, leek can harm teeth and gums. It can also cause headaches and nightmares, and it can weaken vision and cause bad breath. In addition, it digests slowly, but it aids the flow of urine and increases sexual desire.

Meat

Allaah the most high has said: **{we provided them with the fruit and meat which they craved}** [At Toor/22].

﴿وَأَمَدَدْنَاهُمْ فِيكَهْمُ وَلَحْمٍ مِمَّا يَشْتَهُونَ﴾ [الطور: 22]

{And the flesh of fowl which they craved} [Al Waaqi'a/21].

﴿وَلَحْمٍ طَيْرٍ مِمَّا يَشْتَهُونَ﴾ [الواقعة: 21]

It has been relayed in Sunan Ibn Maajah that Aboo Ad Dardaa has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (the best food which one could enjoy on earth or in paradise is meat).

It has been relayed that Burayda has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (the best topping which one could enjoy on earth or in paradise is meat).

It has been narrated in Al Bukhaaree that the prophet (may Allaah send salutations upon him) has said: ('Aa'isha is greater than other women as bread and meat are greater than other foods).

Az Zuhree has said: eating meat increases seventy strengths. Muhammad Bin Waasi' has said: meat improves vision. Naafi' has said: Ibn 'Umar would not neglect to eat meat during Ramadaan or when travelling.

It has been mentioned that 'Alee Bin Abee Taalib has said: if one neglects to eat meat for forty days, his character will become bad.

As for the following narration of Aboo Daawud: (do not slice meat, because this is a non-Arab practice), Ahmad has rejected it due to reliable narrations which state that the prophet (may Allaah send salutations upon him) sliced meat.

Meat is of various types, and we will mention their respective rulings as well as their harm and benefit.

Sheep is hot and moist and produces strong blood when properly digested. It is conducive to one whose temperament is cold or moderate and is conducive to black bile. It also strengthens the mind and improves memory.

Boned meat is the best, and the right side is better than the left side, and the front is better than the rear. Consequently, the messenger of Allaah (may Allaah send salutations upon him) preferred the front of the sheep, and the upper portion is better than the lower portion with the exception of the head. However, the neck is delicious and digests quickly, but the arm is most delicious and easiest to digest.

It has been narrated in Al Bukhaaree and Muslim that the messenger of Allaah (may Allaah send salutations upon him) preferred the arm, and the back is quite nutritious and produces strong blood. It has been narrated in Sunan Ibn Maajah that the prophet (may Allaah send salutations upon him) has said: (the finest meat is the back).

Goat is dry, lacks heat, and does not digest well. Al Jaahidh has said: an esteemed physician said to me: O Aboo 'Uthmaan, beware of goat, because it causes anxiety, forgetfulness, and melancholy. It is also weakens blood, and by Allaah, it disturbs the minds of children.

Physicians have said: rather, it is the mature goat which is disliked, especially for those who are aged. However, goat is not harmful for those who are accustomed to it.

An Nasaa'ee has narrated that the prophet (may Allaah send salutations upon him) has said: (be kind to the goat, because it is a beast of paradise). The reliability of this narration is questionable, and physicians have ruled that goat can harm those who are accustomed to light foods, namely privileged city dwellers. However, they are a minority.

Kid is nearly moderate, especially when the kid is nursing and is not a newborn. Kid digests faster due to the milk which the kid consumes, and kid softens the body and is conducive to the majority. It is also softer than camel's meat and the blood which it produces is moderate.

Beef is cold and dry and does not digest easily. The regular consumption of beef can also lead to scabies, ringworm, leprosy, cancer, fever, and inflammation. However, this applies to one who is not accustomed to beef, or one who does not offset the detriment of beef with pepper, garlic, or ginger.

The male cow is not as cold as the female cow, and the female cow is not as dry as the male cow. The beef of a male cow is most delicious, especially when the cow is fat. This beef is hot and moist and is quite nutritious when properly digested.

As for horse's meat, Asmaa has said: we slaughtered a horse and ate it during the life of the messenger of Allaah (may Allaah send salutations upon him). Narrated by Al Bukhaaree.

The prophet (may Allaah send salutations upon him) also permitted the consumption of horse's meat while prohibiting the consumption of donkey's meat as is narrated in Al Bukhaaree and Muslim.

As for the narration of Al Miqdaam Bin Ma'dee Karib which states that the prophet (may Allaah send salutations upon him) prohibited the consumption of horse's meat, it is unreliable as Aboo Daawud and other scholars of prophetic tradition have stated.

The horse has been compared to the donkey and mule in the Qur'aan, but this does not at all indicate that the former and latter are legally akin. Consequently, the rulings which apply to donkeys and mules in terms of the spoils of war are different than those which apply to horses. Allaah the glorified sometimes compares one entity to another which is similar, and other times he compares one entity to another which is different. In addition, the statement of Allaah the most high: **{so that you may ride them}** [An Nahl/8].

﴿لِتَرْكَبُوهَا﴾ [النحل: 8]

Does not indicate that horse's meat may not be consumed or that they may not be used for purposes other than transportation. Rather, the verse indicates that transportation is the greatest benefit which the horse provides. In addition, the two narrations which state that horse's meat are lawful are both reliable and unopposed. Horse's meat is hot, dry, and thick and is not conducive to those who are thin.

The Jews and the Raafida do not eat camel's meat unlike the people of prophetic tradition and congregation, and it is well known that camel's meat is lawful, and the messenger of Allaah (may Allaah send salutations upon him) and his companions ate it at home and abroad.

The meat of the faseel camel is one of the most delicious and nutritious meats, and it is like sheep to those who are accustomed to it, because it does not harm them at all. Rather, some physicians dislike that privileged city dwellers consume this meat since they are not accustomed to it, and also because it is hot and dry, causes melancholy, and is difficult to digest. It also bears a blameworthy strength, hence the prophet (may Allaah send salutations upon him) obliged those who consume this meat to perform ablution, and he did so in two prophetic traditions which are unopposed. In addition, one may not infer that the hand must be washed, because the prophet (may Allaah send salutations upon him) has given one the option of performing or not performing ablution upon consuming sheep. Whereas, he obliged one to perform ablution upon consuming camel's meat. Furthermore, if it is only intended that one wash his hand, then this would also be the case regarding the following prophetic tradition: (if one touches his genitals, he must perform ablution).

In addition, one can consume camel's meat without touching it, because it can be placed in his mouth. Consequently, it would be futile for a person to wash his hand in this case, and one cannot rely upon the following

prophetic tradition for various reasons, namely: in the end, the messenger of Allaah (may Allaah send salutations upon him) would not perform ablution upon consuming what the fire had touched.

1. This prophetic tradition is general and the injunction to perform ablution upon consuming camel's meat is general.

2. The injunction to perform ablution remains whether camel's meat is raw or cooked. As for the fact that the prophet (may Allaah send salutations upon him) did not perform ablution upon eating what the fire had touched, this illustrates that the touch of fire is not a cause for ablution. This also verifies that the cause of ablution is the type of meat, i. e. camel's meat.

3. The narration concerning what fire had touched is not general. Rather, it provides information concerning a subsequent action.

The companions offered the prophet (may Allaah send salutations upon him) meat which he ate. He then performed ablution and prayer. Afterward, he was offered meat which he ate, and he then performed prayer but not ablution. As a result, he did not perform ablution upon eating what the fire had touched in the end, so how could this narration abrogate the injunction to perform ablution upon eating camel's meat? In fact, this narration could not abrogate this injunction even if it were general and subsequent, and a specific narration would be preferable.

As for bear's meat, the narration which states that it is lawful has preceded. It is hot and dry and increases sexual desire.

As for gazelle's meat, it is hot and dry, and it has been said that it is moderate and is conducive to bodies which are moderate.

As for rabbit's meat, Anas Bin Maalik has said: Aboo Talha sent the hip of a rabbit to the messenger of Allaah (may Allaah send salutations upon him) and he accepted it.

Rabbit's meat is moderately hot and dry and the hip is the best part.

As for wild donkey's meat, the prophet (may Allaah send salutations upon him) hunted one during 'umra, then he ordered Aboo Qataada and those amongst him to eat it, and Aboo Qataada was the only one of them who was not in a state of ihraam. Narrated by Al Bukhaare and Muslim.

Jaabir has said: we ate horse's meat and wild donkey's meat during the time of Khaybar. Narrated by Ibn Maajah.

Wild donkey's meat is hot and dry and is quite nutritious. It also produces blood which is dense, and the fat of this meat is an effective treatment for back pain when combined with qust oil. Overall, the meat of all wild game produces dense blood, and the gazelle is best followed by the rabbit.

The fetus is not praiseworthy since it contains blood, though it is not unlawful, because the prophet (may Allaah send salutations upon him) has said: (to slaughter the mother is to slaughter the fetus). However, the people

of Iraq have prohibited the consumption of the fetus unless it is found alive and then slaughtered. They have inferred that the intent of the prophet (may Allaah send salutations upon him) was that the fetus should be slaughtered like the mother, and they have said that this is a proof of prohibition. However, this is incorrect, because some companions asked: O messenger of Allaah (may Allaah send salutations upon him) , may we eat the fetus which we find within the stomach of the sheep? He replied: (eat it if you please, because to slaughter the mother is to slaughter the fetus).

In addition, analogy necessitates that the fetus is lawful, because to slaughter the mother is to slaughter the fetus as long as the latter remains a part of the former. This is what the prophet (may Allaah send salutations upon him) indicated when he said: (to slaughter the mother is to slaughter the fetus). Consequently, even if the previous prophetic tradition did not exist, sound analogy would necessitate that the fetus is lawful.

Fowl

Allaah the most high has said: **{and the flesh of fowl which they crave}** [Al Waaqi'a/21].

﴿وَلَهُ طَيْرٌ مِمَّا يَشْتَهُونَ﴾ [الواقعة: 21]

The following appears in the Musnad of Al Bazaar and elsewhere: (in paradise you will look at fowl which you will crave, and grilled fowl will fall before you).

Some fowl is lawful while other fowl is unlawful. Fowl which is clawed or consumes caracasses is unlawful, for example the falcon and crow respectively, and some fowl may not be killed while other fowl must be killed, for example the hoopoe and the crow respectively.

There are many types of lawful fowl, and Aboo Moosa has narrated that the prophet (may Allaah send salutations upon him) ate chicken as appears in Al Bukhaaree and Muslim.

Chicken is hot and moist and is light upon the stomach. It digests quickly and mixes well. It is conducive to the brain and increases sperm. It clears the voice and improves the complexion. It strengthens the mind and produces strong blood. It is more moist than it is dry and it has been said that it causes gout when consumed on a regular basis, but this is unfounded.

As for bustard's meat, it has been relayed in Sunan Abee Daawud that Bareeh Bin 'Umar Bin Safeena and his father have narrated that his grandfather has said: I ate bustard's meat with the messenger of Allaah (may Allaah send salutations upon him).

Bustard's meat is hot and dry and does not digest easily, though it is conducive to those who exert themselves.

Crane's meat is light and dry and some say that it is hot while others say

that it is cold. It is conducive to those who exert themselves and should be avoided for a day or two once it has been slaughtered.

As for sparrow's meat, it has been relayed in Sunan An Nasaa'ee that 'Abdullaah Bin 'Amr has narrated that the prophet (may Allaah send salutations upon him) has said: (anyone who wrongly kills a sparrow will be questioned by Allaah the magnificent). Someone asked: O messenger of Allaah, what are the rights of a sparrow? He replied: (that you slaughter it and then eat it, and that you do not sever it's head and discard it).

It has also been relayed in Sunan An Nasaa'ee that 'Amr Bin Ash Shareed has narrated that his father has said: I have heard the messenger of Allaah (may Allaah send salutations upon him) say: (if one kills a sparrow in vain, it will say to Allaah: O lord, so and so killed me in vain).

Sparrow's meat is hot and dry and increases sexual desire, and sparrow gravy softens the body and is conducive to joints.

Pigeon's meat is conducive to the kidney and increases blood. A fabricated prophetic tradition states that a man complained of loneliness to the messenger of Allaah (may Allaah send salutations upon him), thus he said: (marry a pigeon). However, a more reliable narration states that the messenger of Allaah (may Allaah send salutations upon him) spotted a man following a pigeon and said: (a male demon is following a female demon). In addition, 'Uthmaan Bin 'Affaan used to enjoin the slaying of dogs and the slaughter of pigeons.

As for locusts, 'Abdullaah Bin Abee Awfa has said: we ate locusts during seven military expeditions with the messenger of Allaah (may Allaah send salutations upon him). Narrated by Al Bukhaaree and Muslim.

The following has been narrated in the Musnad: (two bloods and carcasses have been made lawful for us, liver and spleen, and locusts and fish).

Locusts are hot and dry and lack nutrients. If one consumes them on a regular basis, emaciation may ensue. However, one may burn locusts as a treatment for urinary disorders and hemorrhoids. In addition, locust fat may be grilled and consumed as a treatment for scorpion stings, though locusts are harmful for those who suffer from epilepsy. Undoubtedly, two positions exist regarding the lawfulness of dead locusts, and the majority maintain that they are lawful, though Maalik disagreed. Whereas, there is no discrepancy concerning the lawfulness of locusts which die due to a specific cause.

Chapter

One should not consume meat on a regular basis, and 'Umar Bin Al Khattaab has said: beware of meat, because it is harmful like an intoxicant. Narrated by Maalik.

Hippocrates has said: do not make your insides graveyards for animals.

Milk

Allaah the most high has said: **{there is indeed a lesson in livestock. We allow you to drink what lies within their stomachs}** [An Nahl/66].

﴿وَأَن لَّكُم فِي الْأَنْعَامِ لَعِبْرَةٌ لِّفِيكَم مَّا فِي بُطُونِهِمْ مِنْ بَيْنِ فَرْثٍ وَدَمٍ لَبَنًا

خَالِصًا سَائِغًا لِلشَّارِبِينَ ﴿٦٦﴾ [النحل: 66]

{Therein lie rivers of water and rivers of milk, and their taste and scent remain unaltered} [Muhammad/15].

﴿فِيهَا أَنْهَارٌ مِنْ مَّاءٍ غَيْرِ آسِنٍ وَأَنْهَارٌ مِنْ لَبَنٍ لَّمْ يَتَغَيَّرْ طَعْمُهُ﴾ [محمد: 15]

The following appears in Sunan At Tirmidhee: (if one whom Allaah had provided food and drink were to say: O Allaah, bless our food and drink and grant us better provision, I would believe that only milk could suffice).

Although milk may appear simple, it is composed of cheese, fat, and water. Cheese is cold, moist, and nutritious. Fat is moderately hot and moist and is conducive to those of sound body. It is also highly beneficial, and water is hot and moist and relieves dryness. Milk is more than moderately cold and moist. However, it has been said that it is hot and moist when obtained, and it has also been said that it is moderately hot and cold.

Milk is at it's best when it is first obtained, then it's quality diminishes by the hour. As a result, it's moisture exceeds it's coldness initially. The best milk is extremely white and has a good taste and scent. It is also slightly sweet with a moderate fat content.

Milk produces good blood and moisturizes the body. It is nutritious and is an effective treatment for melancholic disorders. Milk and honey may be consumed as a treatment for ulcers, and milk and sugar improves the complexion quite well. Milk is conducive to the upper respiratory system, though it is not conducive to the head, stomach, liver, and spleen. In addition, milk can harm teeth and gums when consumed in abundance. For this reason, one should gargle with water after drinking milk, and it has been narrated in Al Bukhaaree and Muslim that the prophet (may Allaah send salutations upon him) did so and then said: (it contains fat).

Milk is not conducive to one suffering from fever or a headache, and the regular consumption of milk can impair vision and cause unconsciousness, rheumatism, and distension. However, this can be remedied with honey and ginger, and the preceding applies to those who are not accustomed to milk.

Sheep's milk is the most moist and dense of all milk, it is also more fatty than other types of milk. It also produces mucous and can whiten the skin when consumed on a regular basis, thus water should be added to lessen unwanted effects, and also to quench thirst and reduce heat.

Goat's milk is moderate. It moisturizes the body and relieves sore throat, dry cough, and bloody saliva.

Milk is the most conducive drink to the human body since it is nutritious and agrees with natural disposition. It has been narrated in Al Bukhaaree and Muslim that the messenger of Allaah (may Allaah send salutations upon him) looked at a container of milk and a container of wine during the night journey and that he took the container of milk. As a result, Jibreel said: praise belongs to Allaah who has guided you to natural disposition. Had you taken the container of wine, your nation would be ruined.

Cow's milk nourishes the body and is one of the best of most moderate types of milk.

Camel's milk has been mentioned at the beginning of the chapter, hence there is no need for repetition.

frankincense: it has been narrated that the prophet (may Allaah send salutations upon him) has said: (burn frankincense in your homes) , but this narration is unreliable. However, it has been narrated that 'Alee said the following to a man who complained of forgetfulness: you must use frankincense, because it strengthens the heart and eliminates forgetfulness. It has been mentioned that Ibn 'Abbaas has said that drinking frankincense and sugar on an empty stomach is good for forgetfulness. It has been mentioned that Anas said to a man who complained of forgetfulness: you must use frankincense. Allow it to steep overnight and drink it upon an empty stomach once you awake, because frankincense is good for forgetfulness.

Some causes of forgetfulness are:

cupping the nape of the neck

frequent sorrow and anxiety

frequent tombstone reading

looking at stagnant water and urinating in it

etc.

The point is, frankincense is hot and dry and is highly beneficial. As a result, it is an effective treatment for hemorrhage and stomach pain. It also aids digestion, relieves gas, and heals wounds. It heats and strengthens a weak stomach and dries mucous. It eliminates moisture within the chest, improves vision, and prevents the spread of sores. It withdraws mucous and increases memory when chewed and is fragrant when burned.

water: water is the source of life and master of all drinks. It is also one of the pillars of the world. In fact, it is an original pillar, because the heavens were created from vapors and the earth was created from foam, and Allaah has created all living things from water.

Some say that water is nutritious while others say that it merely conveys food, and we have mentioned the more accurate opinion while providing evidence.

Water is cold and moist. It reduces heat, protects moisture, and softens and conveys food.

Water quality is determined by ten factors:

1. clarity
2. odor
3. sweetness
4. lightness
5. conduit

6. place of origin

The place of origin should be distant.

7. exposure to wind and sunlight

Wind and sunlight improve water quality.

8. swiftness

9. abundance

10. current

Water which flows southward or eastward is superior.

If you were to reflect upon these descriptions, you would realize that only four rivers bear them entirely. Namely, the Nile, the Euphrates, As Sayhaan, and Al Jayhaan.

Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (the Nile, the Euphrates, As Sayhaan, and Al Jayhaan are all rivers of paradise). Narrated by Muslim.

The following factors determine the lightness of water:

1. Hippocrates has said: water which easily becomes hot or cold is lightest.

2. A scale can determine the lightness of water.

3. One can dampen two pieces of cotton of equal weight with two differing specimens of water. He can then weigh them once they have dried. In this fashion, it will become clear which specimen of water is lighter.

Although water is essentially cold and moist, it's strength changes due to external causes. As a result, water which is exposed to the northern direction and is obscured from other directions is cold, and it acquires dryness from the northern direction.

Sweet water is conducive to those who are well and those who are ill, and water is better tasting and more beneficial when cold. However, one should not drink water on an empty stomach, nor should he do so after having sex, waking up, taking a bath, or eating fruit as has preceded. However, it is not harmful to drink water when full if the need arises, though one should not drink much. Rather, he should sip, because this is not

detrimental. In fact, this strengthens the stomach and relieves thirst.

Lukewarm water causes distention and does the opposite of cold water. Water which has remained overnight is better than water which has not as has preceded. Cold water is more conducive to the inside of the body than it is to the outside, and hot water is more conducive to the outside of the body than it is to the inside. Cold water treats putrefied blood and prevents rising vapors from reaching the head. It is conducive to locales and temperaments which are hot, though it is harmful to those suffering from the common cold or inflammation. Water which is extremely cold can harm teeth, and it can cause chest pain when consumed on a regular basis.

Water which is extremely hot or cold can damage nerves and limbs. Hot water impedes digestion, causes illness, and does not quench thirst quickly. However, it is conducive to the elderly and those who suffer from headaches and epilepsy.

There are no reliable narrations concerning water which the sun has made warm, and earlier physicians did not dislike this water. Water which is hot dissolves fat, and rain water has already been discussed.

It has been narrated in Al Bukhaaree and Muslim that prophet (may Allaah send salutations upon him) would supplicate as follows when opening prayer: (O Allaah, wash me of my sins with water, snow, and hail).

It has preceded that the wisdom of being washed of sin with water and snow is that the heart requires cooling and reinforcement. A premise of spiritual and conventional medicine is derived from this, namely that ailments of the heart and soul are treated with their opposites.

One should not drink ice water after bathing, exercising, or eating hot food. One should also avoid ice water if he has a cough, a weak liver, or a cold temperament, or is suffering from chest pain.

well water: well water lacks softness, and water which is buried beneath the earth is heavy, because one is prone to putrify while the other cannot receive air. Water should be allowed to remain overnight, and the worst water flows within a lead conduit.

zamzam: zamzam is the best and most beloved water. It is also the most expensive water, and Allaah gave it to Ismaa'eel. It has been narrated in Muslim that the prophet (may Allaah send salutations upon him) was without food for forty days near the ka'ba and had nothing except zamzam. He said to Aboo Dharr: (it is a food). The following has also been narrated elsewhere: (and a remedy).

It has been relayed in Sunan Ibn Maajah that Jaabir Bin 'Abdillaah has narrated that the prophet (may Allaah send salutations upon him) has said: (zamzam water is for whatever purpose it is consumed). A group of people have declared this narration unreliable due to 'Abdullaah Bin Al Mu'ammal who narrated it via Muhammad Bin Al Munkadir. However, we have

narrated that 'Abdullaah Bin Al Mubaarak came to zamzam during hajj and said: O Allaah, Ibn Abee Al Mawaalee has informed us that Muhammad Bin Al Munkadir has narrated via Jaabir that your prophet (may Allaah send salutations upon him) has said: (zamzam water is for whatever purpose it is consumed). I drink zamzam lest I be thirsty on the day of resurrection.

Ibn Abee Al Mawaalee is reliable, thus this narration is hasan, and some have declared it saheeh while others have declared it mawdoo'.

Myself and others have recovered amazingly with zamzam by the permission of Allaah. In fact, I saw someone consume zamzam only for nearly two weeks without being hungry or unable to perform tawaaf. He informed me that he remained as such for forty days while fasting, performing tawaaf, and having sex with his wife.

the Nile: the Nile is one of the rivers of paradise which originates behind the mountains of the moon in Ethiopia. It is produced by rain and overflowing water. Allaah the most high directs this water to land without vegetation, he then brings forth produce which is consumed by man and beast.

The land which Allaah directs this water to is hard, thus normal rainfall does not irrigate it and excessive rainfall floods it. As a result, Allaah causes rainfall far away, he then directs this water to this land by way of a great river which he increases at specific times. Once he has irrigated the land, he allows the river to decrease for the sake of cultivation. As for the ten aforementioned entities, they are all present in this case, and the water of the Nile is the lightest, softest, and sweetest of all waters.

salt water: the prophet (may Allaah send salutations upon him) has said concerning salt water: (it is pure and the carcasses of the sea are lawful). Allaah the glorified has made the sea salty for the sake of man and beast, because it contains many creatures which cannot be buried. As a result, if it were sweet, it would become putrid and so would the air, hence the wisdom of the lord has necessitated that the sea resemble a salt mine which could remain unchanged from the beginning until the end even if every corpse and carcass on earth were placed therein.

Bathing with sea water is an effective treatment for numerous skin conditions, though the consumption of sea water is harmful, because it causes thirst, diarrhea, emaciation, itching, and scabies. However, there are ways to offset the detriment of sea water if one is forced to drink it.

1. One can boil sea water in a pot placing new colored wool upon reeds. Vapors will be absorbed by the wool. Once they become plentiful, one can wring the wool, and the undrinkable water will remain in the pot.

2. One can dig a wide hole which the water can reach, he can then dig two similar holes beside it. If one is forced to drink murky water, it may be treated with the kernel of an apricot or a hot coal, and the impurity will sink to the bottom.

Musk

Aboo Sa'eed Al Khudree has narrated that the prophet (may Allaah send salutations upon him) has said: (the finest scent is musk). Narrated by Al Bukhaaree and Muslim.

It has been narrated in Al Bukhaaree and Muslim that 'Aa'isha has said: I used to apply a fragrance to the prophet (may Allaah send salutations upon him) which contained musk on the day of sacrifice before he had entered ihraam or had performed tawaaf.

musk: musk is the king of fragrances. Although it inspires comparison, it is incomparable. It is hot and dry and pleases the soul. It provides inner strength when inhaled and outer strength when applied. It is conducive to those who are weak and faint, and it whitens the eye while reducing moisture. It prevents poisoning and is an effective treatment for snake bites.

Marjoram

A narration has appeared in this regard, though we do not know if it is reliable. Namely: (you must use marjoram, because it is good for the common cold).

Marjoram is hot and dry and is an effective treatment for headaches when inhaled. It relieves the common cold and is conducive to those suffering from pain and inflammation.

Marjoram oil is an effective treatment for back and knee pain, and droplets of marjoram residue and bitter almond oil relieve congestion.

Salt

Ibn Maajah has relayed that Anas has narrated that the prophet (may Allaah send salutations upon him) has said: (salt is the master topping). The following has been narrated in the Musand of Al Bazaar: (you will soon be to man what salt is to food, and food can only be enhanced with salt).

Al Baghawee has mentioned in his tafseer that 'Abdullaah Bin 'Umar has narrated that the prophet (may Allaah send salutations upon him) has said: (Allaah has sent four blessings from heaven: iron, fire, water, and salt).

Salt enhances everything it merges with, including gold and silver, because it contains a strength which increases their color. Salt strengthens and preserves the body, and it is an effective treatment for scabies.

Salt prevents the spread of sores and is conducive to the teeth and gums.

The Date Palm Tree

The date palm tree is mentioned throughout the Qur'aan, and Ibn 'Umar has said: while we were with the messenger of Allaah (may Allaah send salutations upon him), the pith of a date palm tree was brought forth. As a result, the prophet (may Allaah send salutations upon him) said: (there is a tree which resembles the Muslim man, and its leaves do not fall. Tell me

which tree it is). I thought that it may have been the date palm tree and I wanted to respond, but then I noticed that I was the youngest of those present, so I remained silent. Consequently, the messenger of Allaah (may Allaah send salutations upon him) said: (it is the date palm tree) , so I mentioned this to 'Umar who said: for you to have said this is dearer to me than such and such. Narrated by Al Bukhaaree and Muslim.

This prophetic tradition indicates the following:

A learned man may present his companions with issues to test their knowledge.

The prophet (may Allaah send salutations upon him) spoke in similitudes.

The companions honored their elders such that they would refrain from speaking in their presence.

'Umar was delighted when his son answered correctly.

It is not disliked that a child answer a question in the presence of his father, even if his father does not know the answer.

A Muslim resembles the date palm tree, because it yields wholesome fruit, provides constant shade, and is always present.

The fruit which the date palm tree yields may be consumed moist or dry, or ripe or unripe. It is a food, medicine, and drink. The stump is used in construction and is also used to create devices and utensils. The leaves are used to create things such as mats, and the fiber is used to create things such as rope. The kernel is used as camel feed and is added to medicine and antimony.

The date palm tree is picturesque, thus it is a reminder of the one who created it. It also reminds us that this creator is utterly wise and capable. In addition, nothing resembles the date palm tree more than the believing man since it is entirely good.

It is the date palm tree whose stump moaned when the messenger of Allaah (may Allaah send salutations upon him) parted with it, because it yearned to hear his speech. It is the date palm tree which Maryam settled beneath when she delivered 'Eesa, and it has been mentioned within a narration which is questionable. Namely: (honor your aunt the date palm tree, because it was created from the mud which Aadam was created from).

Chicory

There are three narrations regarding chicory which are unreliable. In fact, they are fabricated.

1. (eat chicory and do shake it, because dewdrops from heaven fall upon it every day).

2. (if one eats chicory and goes to sleep, he will not be afflicted by poison or sorcery).

3. (there is a dewdrop from paradise upon each chicory leaf).

The constitution of chicory alternates with the seasons. Consequently, it is cold and moist during the winter, hot and dry during the summer, and moderate during the spring and fall. It is conducive to the stomach and is an effective treatment for gout and inflammation of the eye. In addition, chicory leaves and roots may be used to create a bandage for one who has been stung by a scorpion.

Chicory is an effective treatment for liver pain, and the more bitter chicory is, the more conducive it is to the liver. Ground chicory leaves relieve inflammation and cool hot blood and bile. It is best that one does not wash or shake chicory before eating it, because it will lose strength. In spite of that, it contains an antidote for all types of poison.

Chicory residue may be applied like antimony as a treatment for night-blindness. As for chicory root, it may be compressed and the residue may be consumed with water as a treatment for snake bites as well as scorpion and hornet stings. Chicory root also emits a secretion which whitens the eye.

Wars

Umm Salama has said: women would remain inactive for forty days upon delivery, and we would apply wars to our faces to remove freckles.

The linguist Aboo Haneefa has said: wars is grown and is not wild. I am unaware that it is found upon non-Arab soil, and I am not aware that it is found outside of Yemen.

Wars is hot and dry, and the best quality wars is soft and red and lacks residue. It is also an effective treatment for scabies, itching, and pimples when applied.

Wars is much like sea quist in terms of it's constitution and benefits, and a garment dyed in wars strengthens libido.

Yaqteen

The definition of yaqteen is: any tree which stands without a stump, such as the watermelon and cucumber trees. Allaah the most high has said: **{a tree without a stump}** [As Saffaat/146].

[146:الصافات] ﴿١٤٦﴾ وَأَنْبَتْنَا عَلَيْهِ شَجَرَةً مِّنْ يَقْطِينٍ ﴿١٤٧﴾

One may say: a yaqteen cannot be considered a tree, because a tree has a stump as Arabic scholars have said.

When a tree is mentioned unrestrictedly, it is understood that it stands upon a stump. As a result, the difference between restricted and unrestricted nouns is an important issue in terms of language and comprehension.

Anas Bin Maalik has narrated that a tailor invited the messenger of Allaah (may Allaah send salutations upon him) to partake of a meal which he had prepared. Anas Bin Maalik said: I accompanied the messenger of

Allaah (may Allaah send salutations upon him) , and he was presented with barley bread and gravy containing strips of meat and the produce of a yaqteen. I then saw him gather this produce from the edges of the plate. Consequently, it has remained dear to me since that day.

Aboo Taaloot has said: I came to Anas Bin Maalik as he ate the produce of a yaqteen, and he said: you are dear to me since you were dear to the messenger of Allaah (may Allaah send salutations upon him).

Hishaam Bin 'Urwa and his father have narrated that 'Aa'isha has said: the messenger of Allaah (may Allaah send salutations upon him) said to me: (O 'Aa'isha, when you cook, use the produce of a yaqteen, because it alleviates sorrow).

A yaqteen is cold and moist and lacks nutrition, but this is not the case when it is cooked with quince.

The water of a yaqteen is thirst quenching and relieves headaches. The produce of a yaqteen may be ground and applied to the vertex of the head with a bandage as a treatment for inflammation of the brain.

It has been mentioned that Anas has said that the messenger of Allaah (may Allaah send salutations upon him) consumed the produce of a yaqteen quite often.

Chapter

I have chosen to conclude with an abridged chapter of immense value so that this book may be completely beneficial. Ibn Maasawayh has said the following in the book *Al Mahaadheer*:

If one eats onions for forty days and develops freckles, he should blame none but himself.

If one undergoes venesection, eats salt, and is afflicted with scabies, he should blame none but himself.

If one digests both fish and eggs and is afflicted with facial paralysis, he should blame none but himself.

If one enters the bathhouse while full and is afflicted with semiparalysis, he should blame none but himself.

If one digests both milk and fish and is afflicted with leprosy or gout, he should blame none but himself.

If one digests both milk and wine and is afflicted with leprosy or gout, he should blame none but himself.

If one experiences nocturnal emission and does not bathe until after having sex with his wife, he should blame none but himself if she gives birth to a child who is mentally ill.

If one eats cold boiled eggs until he becomes full and is afflicted with asthma, he should blame none but himself.

If one performs sexual intercourse without ejaculating and is afflicted

with calculus, he should blame none but himself.

If one looks in the mirror at night and is afflicted with paralysis or another ailment, he should blame none but himself.

Chapter

Ibn Bakhtayshoo' has said: be careful not to digest both eggs and fish, because they cause colic, hemorrhoids, and toothaches.

Eating eggs on a regular basis causes freckles, and eating salty fish and undergoing venesection after bathing causes scabies.

Eating the kidneys of sheep on a regular basis causes bladder complications, and bathing with cold water after eating fresh fish causes colic.

Performing sexual intercourse with a menstruating woman causes leprosy.

Performing sexual intercourse without ejaculating causes calculus.

Hippocrates has said: it is better to reduce what is harmful than to increase what is helpful.

He has also said: preserve good health by refraining from laziness and overeating.

Some wise men have said: if one desires good health, he should observe good nutrition. He should drink when thirsty and should not drink an abundance of water. He should stretch out after lunch and should walk after dinner. He should not sleep without going to the rest area. He should be careful not to enter the bathhouse once he has become full, and bathing once during the summer is better than doing so ten times during the winter.

Eating dry meat strips at night can be fatal, and performing sexual intercourse with the elderly can cause illness and senility. It has been narrated that 'Alee said this, but this narration is unreliable. Rather, some of this was said by Al Haarith Bin Kilda the physician of the Arabs.

Al Haarith Bin Kilda has said: four things destroy the body: performing sexual intercourse when full, entering the bathhouse when full, eating meat strips, and performing sexual intercourse with the elderly.

Some people came to Al Haarith Bin Kilda and said: give us an order which we may follow. As a result, he said: only marry young women. Only eat ripe fruit. Do not undergo treatment when you are able to bear an ailment. Cleanse your stomachs once a month, because this expels mucous and destroys bile. Once you have eaten lunch, sleep for an hour, and once you have eaten dinner, take a short walk.

Ash Shaafi'ee has said: four things strengthen the body: eating meat, smelling fragrance, bathing frequently without having performed sexual intercourse, and wearing linen.

Four things weaken the body: frequent sexual intercourse, frequent

anxiety, the frequent consumption of water on an empty stomach, and the frequent consumption of lemons.

Four things strengthen vision: sitting in front of the ka'ba, applying antimony before going to bed, looking at greenery, and cleaning a sitting area.

Four things weaken vision: looking at filth, looking at one who is crucified, looking at the vagina, and sitting with your back to the ka'ba.

Four things increase intellect: avoiding unnecessary talk, using siwaak, sitting with the pious, and sitting with the learned.

The physician of Al Ma'moon has said: there are some particulars which you must know, because death is the only ailment which should befall one who memorizes them. Do not eat when you are full. Beware of eating food which is difficult to chew and is thus difficult to digest. Beware of frequent sexual intercourse, because it dims the light of modesty. Beware of having sex with the elderly, because it causes sudden death. Beware of unnecessary venesection and vomit during the summer.

A physician was once asked: why do you never become ill? He replied: I do not digest two unfavorable foods at once, I do not overeat, and I do not allow food which has harmed me to remain in my stomach.

Chapter

Four things cause illness: excessive speech, excessive sleep, excessive eating, and excessive sexual intercourse.

Excessive speech weakens the mind and causes premature graying.

Excessive sleep blinds the heart, causes laziness, and produces moisture throughout the body.

Excessive eating weakens the body and damages the stomach.

Excessive sexual intercourse causes weakness and dryness and is harmful to the entire body.

Chapter

Four things destroy the body: sorrow, anxiety, hunger, sleeplessness.

Four things are delightful: looking at greenery, looking at flowing water, looking at one who is dear, and looking at fruits.

Four things impair vision: walking barefoot, bidding ones enemy good morning and good night, frequent weeping, and looking at a narrow line over and over.

Four things strengthen the body: wearing soft garments, entering a mild bathhouse, eating sweet and fatty foods, and smelling fine fragrances.

Four things cause facial dryness: lying, immodesty, being inquisitive without seeking knowledge, and iniquity.

Three things increase facial moisture: honor, generosity, and reverence.

Four things bring sustenance: night prayer, seeking the forgiveness of

Allaah before dawn, being charitable, and remembering Allaah at the beginning and end of the day.

Four things prevent sustenance: morning time sleep, insufficient prayer, laziness, and treachery.

Four things harm the mind: eating fruit on a regular basis, sleeping nape down, sorrow, and anxiety.

Four things increase understanding: an empty heart, an empty stomach, a diet which includes fat and sugar, and the expulsion of waste.

The following is harmful to intelligence: eating onions, herbs, olives, and eggplant on a regular basis, frequent sexual intercourse, isolation, thoughts, intoxication, excessive laughing, and sorrow.

Chapter

We have presented aspects of practical and theoretical medicine, many of which may be found only within this book. We have also shown that the law lies in close proximity.

This matter exceeds our description by far, though it indicates what lies ahead. As for one who has not been provided discernment, he must know that prophetic knowledge and intellect and power aided by revelation stand alone.

We have presented the three foundations of medicine which are found in the Qur'aan, so how could one deny that the law ensures physical wellbeing?

If a slave were provided a complete understanding of the book of Allaah and the tradition of his messenger, he would not need any other speech, and he would derive all sound sciences from the former and latter.

All sciences revolve around an awareness of Allaah, his dictate, and his creation. As a result, the messengers were most knowledgeable in this regard.

The medicine of those who follow the messengers is more accurate and beneficial than the medicine of others, and the medicine of the followers of Muhammad Bin 'Abdillaah (may Allaah send salutations upon him) the imaam of all messengers is most correct and advantageous. However, this can only be realized by one who can compare.

The mindset and disposition of the followers of Muhammad Bin 'Abdillaah (may Allaah send salutations upon him) is most sound. They are also the most learned and accurate, because their nation and messenger have been exclusively chosen by Allaah. Bahz Bin Hakeem and his father have narrated that his grandfather has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (you are the best of seventy nations to Allaah). Narrated by Ahmad.

The knowledge of previous nations was presented to the followers of Muhammad Bin ‘Abdillaah (may Allaah send salutations upon him) , and their knowledge increased, and Allaah the glorified and most high granted them his knowledge. For this reason, lack of intelligence is predominant amongst the Christians, and sorrow and disgrace are predominant amongst the Jews. Whereas, intelligence, happiness, and honor are predominant amongst the Muslims.

These are secrets which can only be appreciated by one whose comprehension is acute and whose knowledge is abundant, and success lies with Allaah.

Chapter

His Guidance In Terms Of Judgement, Marriage, And Trade

We do not wish to discuss general legislation, even though the specific judgement of the prophet (may Allaah send salutations upon him) is actually that, but rather we wish to discuss his judgement of people.

Chapter

Bahz Bin Hakeem, his father, and his grandfather have narrated that the prophet (may Allah send salutations upon him) confined a man upon an accusation. Ahmad and ‘Alee Bin Al Madeeneh have said: the chain of narration is sound.

Chapter

His Guidance Concerning One Who Kills His Slave

‘Amr Bin Shu’ayb, his father, and his grandfather have narrated that a man killed his slave intentionally. As a result, the prophet (may Allaah send salutations upon him) flogged him 100 times and exiled him for a year. He also ordered him to emancipate a slave.

Ahmad has relayed that Al Hasan and Samura have narrated that the prophet (may Allaah send salutations upon him) has said: (whoever kills his slave we will kill).

The prophet (may Allaah send salutations upon him) ordered a man to remain with his debtor, and Abou Daawud has mentioned that An Nadir Bin Shameel, Al Hirmaas Bin Habeeb, and his father have narrated that his grandfather has said: I came to the prophet (may Allaah send salutations upon him) with a debtor of mine. Consequently, he said: (remain with him). He then asked: (O brother of Banoo Sahm, what do you wish to do with your captive) ?

Abou ‘Ubayd has narrated that the prophet (may Allaah send salutations

upon him) enjoined that a murderer be killed and that one who confines another until death be confined until death as well.

Chapter

His Guidance Concerning Highway

Robbers

He ruled that the hands and feet of highway robbers be severed. He also ruled that their eyes be gauged out and that they be left to die without food and drink since they did this to the herders.

Chapter

His Judgement Of A Murderer And The Guardian Of His Victim

Ahmad has narrated that Aboo Hurayra has said: a man was killed during the time of the messenger of Allaah (may Allaah send salutations upon) , so he was brought to the messenger of Allaah (may Allaah send salutations upon him) who brought him in turn to the guardian of the victim. As a result, the killer said: O messenger of Allaah (may Allaah send salutations upon him) I did not intend to murder him, so the messenger of Allaah (may Allaah send salutations upon him) said to the guardian of the victim: (if he is truthful and you kill him, you will enter the fire). Consequently, he let him go.

The following has been said in the book of Ibn Habeeb: there is an addition to this prophetic tradition, namely: (a deliberate hand and a mistaken heart).

Chapter

He Ruled That One Who Kills A Female Slave Should Be Killed Similarly

It has been narrated in Al Bukhaaree and Muslim that a Jew smashed the head of a female slave between two stones. As a result, the messenger of Allaah (may Allaah send salutations upon him) ordered that his head also be smashed between two stones.

This prophetic tradition proves that a man may be killed due to a woman, and that what is done to the victim is done to the offender. It also proves that the permission of the guardian is not required in this case, because the messenger of Allaah (may Allaah send salutations upon him) did not bring the killer to him, nor did he say to him you may kill or forgive the murderer. This was the stance of Maalik which was chosen by Shaykhul Islaam Ibn Taymiyya. Furthermore, had the Jew breached his agreement as some people say, the prophet (may Allaah send salutations upon him) would have

killed him with a sword and not a stone.

Chapter

His Ruling Concerning One Who Strikes A Woman Causing A Miscarriage

It has been narrated in Al Bukhaaree and Muslim that one woman struck another woman with a stone killing her and her unborn child. As a result, the messenger of Allaah (may Allaah send salutations upon him) ruled that a bloodwit of a slave be given due to the fetus, and he imposed a bloodwit upon the male agnate relatives of the killer, though not her husband and sons. This bloodwit was due to the mother. However, the truth of the matter is that the prophet (may Allaah send salutations upon him) did not execute the killer.

Aboo Hurayra has narrated that the messenger of Allaah (may Allaah send salutations upon him) ruled that a bloodwit of a slave be given due to a fetus, but the woman whom he prosecuted died. Consequently, he ruled that her husband and sons receive her bequest while imposing the bloodwit upon her male agnate relatives.

This ruling indicates that what is done to the victim is not done to the offender in this case, and that the bloodwit is imposed upon male agnate relatives. It also proves that the husband of the killer and her sons are not amongst them.

Chapter

His Guidance Concerning Qasaama Due To An Unknown Killer

It has been narrated that the prophet (may Allaah send salutations upon him) ruled in favor of qasaama amongst the Jews and the ansaar. He asked Huwaysa, Maheesa, and 'Abdur Rahmaan: (will you swear and oblige the execution of your companion) ? Al Bukhaaree has narrated: (will you swear and oblige the execution of your assailant or companion) ? The companions replied: we did not witness this. As a result, the prophet (may Allaah send salutations upon him) said: (then the Jews will exonerate you by swearing fifty times). The companions asked: how could we accept the oath of a disbelieving people? Consequently, the messenger of Allaah (may Allaah send salutations upon him) paid the bloodwit himself.

The following has also been narrated: (and fifty of you will swear against one of their men so that he can be convicted).

As for the bloodwit, authentic prophetic traditions differ in this regard. As a result, it has been said that the prophet (may Allaah send salutations upon him) paid the bloodwit himself, and it has been said that he paid in camels of charity.

It has been narrated in Sunan Abee Daawud that the prophet (may Allaah send salutations upon him) imposed a bloodwit upon the Jews since the victim was found amongst them.

It has been narrated in the Musannaf of 'Abdur Razzaaq that the prophet (may Allaah send salutations upon him) began with the Jews who refused to swear. As a result, he offered the ansaar the option of qasaama, but they refused. Consequently, he imposed a bloodwit upon the Jews.

It has been narrated in Sunan An Nasaa'ee that the prophet (may Allaah send salutations upon him) imposed a bloodwit upon the Jews and that he granted them assistance.

The ruling of the prophet (may Allaah send salutations upon him) entails the following:

Qasaama is a divine law.

One can be executed due to qasaama since the prophet (may Allaah send salutations upon him) has said: (so that he can be convicted) (and oblige the execution of your companion). The Qur'aan and prophetic tradition indicate that one can be executed due to li'aan and qasaama, and this was maintained by the people of Al Madeena. Whereas, the people of Iraq did not execute in either case. However, Ahmad maintained that one could be executed due to qasaama and not li'aan, and Ash Shaafi'ee maintained the reverse.

Qasaama begins with the plaintiff unlike other claims.

If a people who enjoy immunity refuse to fulfil an obligation, they have breached their agreement, because the prophet (may Allaah send salutations upon him) has said: (either you pay the bloodwit, or either you prepare for war).

If the defendant is not nearby, the judge may write to him.

One may act according to the letter of the judge.

One who is absent may be judged.

Qasaama requires fifty people if they are present.

If a case involves a people who enjoy immunity and the believers, the former may be judged by the law of the latter.

The prophet (may Allaah send salutations upon him) payed the bloodwit in camels of charity, and this has confused many people. As a result, some people believe that these camels were allotted for those who could not pay their debts. However, one who enjoys immunity and cannot pay a debt is not given the wealth of charity.

Other people believe that the camels were excess charity which could be used for various interests, and this is more plausible than the previous supposition. It is even more likely that the prophet (may Allaah send salutations upon him) borrowed the bloodwit from the charity, and this is indicated by the statement: consequently, the messenger of Allaah (may

Allaah send salutations upon him) payed the bloodwit himself. However, it is most probable that he did so to end a rivalry, and this is akin to paying a debt which another cannot pay in order to achieve the same objective. Perhaps this is what people mean when they say that the prophet (may Allaah send salutations upon him) payed the bloodwit with the portion which was allotted for those who could not pay their debts. Nevertheless, he did not take any of this wealth for himself, because charity was unlawful for him.

One may ask: how do you respond to the following statement: thus, he imposed the bloodwit upon the Jews?

This statement is unrestricted, because the narrator did not memorize how the prophet (may Allaah send salutations upon him) imposed the bloodwit upon the Jews. Moreover, those who memorized that he payed the bloodwit himself memorized additional information, hence they are preferable.

One may ask: how do you respond to the narration of An Nasaa'ee which states that the prophet (may Allaah send salutations upon him) imposed the bloodwit upon the Jews and assisted them?

This narration is at variance, because a bloodwit cannot be imposed upon the defendant due to a claim. Rather, evidence must be produced. Otherwise, the defendant must confess or the plaintiff must testify against him, though none of this has been found in this case. In addition, the prophet (may Allaah send salutations upon him) offered the plaintiffs the option of qasaama, but they refused to swear. Consequently, the Jews could not have been obliged to pay a bloodwit due to a mere claim.

Chapter

His Guidance Concerning The Four Who Fell Into A Well While Clinging To Each Other

Ahmad, Al Bazzaar, and others have mentioned that some people in Yemen dug a well which a man fell into. Thereafter, he clung to a second man who clung to a third man, and the third man clung to a fourth man. However, they all fell into the well and died. As a result, 'Alee Bin Abee Taalib said to their guardians: gather those who dug the well. Afterward, he ruled that $\frac{1}{4}$ of the bloodwit be payed for the first man, because he died beneath three men. He ruled that $\frac{1}{3}$ of the bloodwit be payed for the second man, because he died beneath two men. He ruled that $\frac{1}{2}$ of the bloodwit be payed for the third man, because he died beneath one man. Lastly, he ruled that the entire bloodwit be payed for the fourth man. Consequently, the guardians of the deceased came to the messenger of Allaah (may Allaah send salutations upon him) the following year and told the story, so he said: (his judgement is accurate). This is the account of Al Bazzaar.

The account of Ahmad is similar, he said: they refused to accept the decision of 'Alee, so they came to the messenger of Allaah (may Allaah send salutations upon him) who was at the standing place of Ibraheem. Thereafter, they told the story and the messenger of Allaah (may Allaah send salutations upon him) imposed the bloodwit upon the tribes of those who had caused congestion.

Chapter

His Guidance Concerning One Who Marries

The Wife Of His Father

Al Baraa has said: I met my uncle Aboo Burda who said: the messenger of Allaah (may Allaah send salutations upon him) sent me to a man who had married the wife of his father, and he commanded me to kill him and to take his wealth.

Ibn Abee Khaythama has mentioned that Mu'aawiya Bin Qurra and his father have relayed that his grandfather has narrated that the messenger of Allaah (may Allaah send salutations upon him) sent him to a man who had married the wife of his father and that he killed him and took his wealth. Yahya Bin Mu'een has said: this is a reliable narration.

It has been narrated in Sunan Ibn Maajah that Ibn 'Abbaas has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (kill whoever has sex with a woman whom he cannot marry).

Al Jawzajaanee has mentioned that he brought a man to Al Hajjaaj who had raped his sister, so he said: confine him and consult the companions of the messenger of Allaah (may Allaah send salutations upon him). As a result, they questioned 'Abdullaah Bin Abee Mutrif who replied: I have heard the messenger of Allaah (may Allaah send salutations upon him) say: (whoever violates the sanctity of the believers you should split with the sword).

Ismaa'eel Bin Sa'eed has narrated that Ahmad has said the following concerning one who marries a woman who is unlawful for him: he should be killed in the treasury.

The decision of the messenger of Allaah (may Allaah send salutations upon him) necessitates this statement, thus it is correct.

Aboo Haneefa, Maalik, and Ash Shaafi'ee have said: he is punished like a fornicater.

Chapter

The Execution Which He Repealed

Ibn Abee Khaythama and others have relayed that Anas has narrated the cousin of Maariya was accused of having sex with her. As a result, the prophet (may Allaah send salutations upon him) said to 'Alee Bin Abee

Taalib: (depart, and if you find him with Maariya, kill him). As a result, 'Alee came to him while he was collecting dates, and he was covered with a rag. However, when he saw the sword, he began to shiver and it fell, and he did not have a penis. Consequently, 'Alee avoided him.

This decision has confused many people, thus some of them have criticized the previous narration. However, the narrators are reliable. In any event, others have deduced that the prophet (may Allaah send salutations upon him) actually intended to frighten the cousin of Maariya so that he would not return to her. They have said: similarly, Sulaymaan said the following to the two women who sought his judgement concerning the boy: I need a knife so that I may divide the boy between them. However, he did not actually intend to do so, thus scholars have said the following concerning this narration: Chapter: A Judge Who Pretends To Act In Opposition To The Truth In Order To Discover The Truth. As a result, the messenger of Allaah (may Allaah send salutations upon him) wanted the companions to know that Maariya and her cousin were innocent, and he knew that the truth would come to light once the sword was drawn.

It is even better to say that the prophet (may Allaah send salutations upon him) commanded 'Alee to kill the cousin of Maariya as a reformatory measure for having the audacity to approach the mother of his child in his absence. Consequently, once the truth came to light, 'Alee did not kill him. In addition, execution as a reformatory measure is not binding like a prescribed punishment. Rather, it is subject to welfare which may or may not exist.

Chapter

His Ruling Concerning A Murder Victim Who Is Found Between Two Villages

Ahmad and Ibn Abee Shayba have narrated that Aboo Sa'eed Al Khudree has said: a murder victim was discovered, so the prophet (may Allaah send salutations upon him) measured the distance between two villages and discovered which one he was closer to.

The following appears in the Musannaf of 'Abdur Razzaaq: 'Umar Bin 'Abdil 'Azeez has said: we have been informed that the messenger of Allaah (may Allaah send salutations upon him) ruled as follows concerning a murder victim who is found amongst a people: the defendants should swear, though if they refuse, then the plaintiffs should swear. If both parties refuse, then the defendants must pay ½ of the bloodwit.

Al Marwazee has narrated that Ahmad ruled in accord with the narration of Aboo Sa'eed Al Khudree. He said: I asked Aboo 'Abdillaah: what if a people are wrongfully obliged to pay a bloodwit? He replied: the bloodwit is returned to them if they are known. I asked: what if they are unknown? He

replied: the bloodwit is divided amongst the needy of that locale. I asked: upon what basis is the bloodwit divided amongst the needy? He replied: 'Umar Bin Al Khattaab imposed a bloodwit upon a village in which a murder victim was found, and as the bloodwit is imposed upon them, it is also returned to them when wrongfully imposed, provided they are unknown. As a result, 'Umar Bin Al Khattaab ruled in accord with the aforementioned narration and imposed a bloodwit upon the village in which a murder victim was found. It was upon this basis that Ahmad ruled that a bloodwit which is wrongfully imposed upon a village should be divided therein if the people are unknown.

Chapter

His Decision To Delay Retaliation Until A Wound Had Healed

'Abdur Razzaaq and others have mentioned that Ibn Jurayj has narrated that 'Amr Bin Shu'ayb has said: the messenger of Allaah (may Allaah send salutations upon him) judged a man who stabbed another man in the foot with a horn. The latter said: O messenger of Allaah (may Allaah send salutations upon him), allow me to retaliate. He said: (not until your wound heals). However, he insisted upon retaliation, so the prophet (may Allaah send salutations upon him) conceded, but the one who retaliated became cripple. He said: I have become cripple and my companion has recovered, so the prophet (may Allaah send salutations upon him) asked: (did I not command you to refrain from retaliation until your wound heals? You disobeyed me, thus Allaah placed you at a distance and you became cripple). Thereafter, he enjoined that a wounded person refrain from retaliating until his wound heals.

The narration of 'Amr Bin Shu'ayb, his father, and his grandfather which appears in the Musnad of Ahmad is continuous. It states that a man was stabbed in the knee with a horn. As a result, he came to the prophet (may Allaah send salutations upon him) and said: allow me to retaliate, so he said: (not until you recover). He returned and said: allow me to retaliate, so the prophet (may Allaah send salutations upon him) conceded. He then returned again and said: O messenger of Allaah, I have become cripple. Consequently, he said: (you disobeyed me, thus Allaah placed you at a distance and you became cripple). Thereafter, he forbade a wounded person to retaliate before recovery.

'Ataa has said: an imaam cannot beat or imprison one who wounds another. Rather, retaliation has been prescribed. Allaah the most high has said: **{your lord is not forgetful}**, thus he would have enjoined beating and imprisonment had he pleased. Maalik has said: the one who is wounded retaliates due to a violation of human rights, and the one who wounded him

is punished for his audacity.

Most scholars say that once a victim retaliates, punishment is unnecessary.

Disobedience is of three types: one type demands a prescribed punishment, thus it cannot be combined with a reformatory punishment. A second type does not demand a prescribed punishment or expiation, and a third type does demand an expiation but does not demand a prescribed punishment, such as having sex while fasting during the month of Ramadaan. Consequently, the following question arises: can reformatory punishment be combined with expiation in this case? There are two positions, and both of them are maintained by the companions of Ahmad. As for retaliation, it serves as a prescribed punishment, thus it is not combined with a reformatory punishment.

Chapter

His Decision To Allow Retaliation Due To A Broken Tooth

Anas has narrated that the daughter of An Nadir the sister of Ar Rabee' slapped a female slave and broke her tooth. As a result, the judgement of the prophet (may Allaah send salutations upon him) was sought, and he ruled in favor of retaliation. Consequently, the mother of Ar Rabee' asked: O messenger of Allaah, will someone retaliate against such and such? By Allaah, there will be no retaliation. The messenger of Allaah (may Allaah send salutations upon him) said: (glory be to Allaah O mother of Ar Rabee', the book of Allaah is retaliation). She said: by Allaah, there will never be retaliation, so the people conceded and accepted the bloodwit. Thereafter, the prophet (may Allaah send salutations upon him) said: (there are slaves who swear by Allaah, and he effects their vows). Narrated by Al Bukhaaree and Muslim.

Chapter

His Decision Concerning Someone Who Bites A Person's Hand And Loses His Middle Incisor Due To The Withdraw Of That Hand

It has been narrated in Al Bukhaaree and Muslim that someone bit a person's hand and that it was withdrawn causing the loss of two middle incisors. As a result, the judgement of the prophet (may Allaah send salutations upon him) was sought and he said: (there is no bloodwit for you if you bite your brother's hand like an animal).

This decision entails that if one frees himself from the hand of a wrongdoer who loses life or limb in the process, he is not responsible.

His Acquittal Of One Who Gouges Out The Eye Of A Person Who Looks

Into His Home Without Permission

Aboo Hurayra has narrated that the prophet (may Allaah send salutations upon him) has said: (if a person looks into your home and you gouge out his eye, you will not be liable). Narrated by Al Bukhaaree and Muslim.

(if one looks into the home of a people without their permission and gets his eye gouged out, there is no bloodwit for him, nor is there retaliation).

It has also been narrated in Al Bukhaaree and Muslim that a man looked into some of the rooms of the home of the prophet (may Allaah send salutations upon him). As a result, he rose grasping a pair of scissors. Scholars of prophetic tradition such as Ash Shaafi'ee and Ahmad have ruled in accord with these and similar narrations, though Aboo Haneefa and Maalik have not.

Chapter

The messenger of Allaah (may Allaah send salutations upon him) has issued the following rulings:

If a pregnant woman commits an intentional murder, she may not be executed until she delivers and the child is taken into custody. Narrated by Ibn Maajah.

A father may not be executed for killing his child. Narrated by An Nasaa'ee and Ahmad.

A believer may not be executed for killing a disbeliever.

The family of a murder victim may choose the death penalty or the bloodwit.

The bloodwit of a hand or toe is ten camels. The bloodwit of a tooth is five camels. The bloodwit of lacerations of the face and hands is five camels. The bloodwit of an eye which is fixed in place is $\frac{1}{3}$. The bloodwit of a paralyzed hand which is severed is $\frac{1}{3}$, and the bloodwit of a rotten tooth is $\frac{1}{3}$.

If the entire nose is severed, the bloodwit is complete. However, if one side is severed, the bloodwit is $\frac{1}{2}$.

The bloodwit of the brain is $\frac{1}{3}$. The bloodwit of the interior of the stomach, chest, and back is $\frac{1}{3}$. The bloodwit of a dislocated bone is fifteen camels.

There is a bloodwit for the:

tongue

lips

testicles

penis

spine

eyes

The bloodwit of one eye is $\frac{1}{2}$. The bloodwit of one foot is $\frac{1}{2}$, and the

bloodwit of one hand is $\frac{1}{2}$.

A man may be executed for killing a woman.

The bloodwit of an unintentional offense is imposed upon agnate relatives, namely 100 camels. However, narrations vary concerning their ages. As a result, 'Amr Bin Shu'ayb and his father have relayed that his grandfather has narrated that the prophet (may Allaah send salutations upon him) has said: (thirty two year old females, thirty three year old females, thirty four year old females, and ten two year old males).

Al Khattaabee has said: I am not aware that any legal scholar has ruled in accord with this narration.

It has been relayed that Ibn Mas'ood has narrated the following: twenty two year old females, twenty three year old females, twenty two year old males, twenty four year old females, and twenty two year old female sheep.

The prophet (may Allaah send salutations upon him) imposed a bloodwit of 100 camels upon those who own them. He imposed a bloodwit of 200 cows upon those who own them. He imposed a bloodwit of 2000 sheep upon those who own them, and he imposed a bloodwit of 200 fine garments upon those who own them.

'Amr Bin Shu'ayb and his father have relayed that his grandfather has narrated that the prophet (may Allaah send salutations upon him) fixed the bloodwit at 800 deenaars or 800,000 dirhams.

The people of the four Sunan collections have mentioned that 'Ikrima has relayed that Ibn 'Abbaas has narrated that a man committed murder. As a result, he fixed his bloodwit at 12,000.

It has been verified that 'Umar said the following during an address: the bloodwit of those who own gold is 100 deenaars. The bloodwit of those who own silver is 12,000. The bloodwit of those who own cows is 200. The bloodwit of those who own sheep is 2,000, and the bloodwit of those who own fine garments is 200.

The people of the four Sunan collections have narrated that the prophet (may Allaah send salutations upon him) has said: (the bloodwit of one who enjoys immunity is $\frac{1}{2}$ the bloodwit of a free man). The wording of Ibn Maajah is as follows: he ruled that the bloodwit of the people of the two books is $\frac{1}{2}$ the bloodwit of the believers.

Legal scholars have differed in this regard, thus Maalik has said: their bloodwit is $\frac{1}{2}$ the bloodwit of the believers. As Shaafi'ee has said: their bloodwit is $\frac{1}{3}$ the bloodwit of the believers. Aboo Haneefa has said: their bloodwit is the bloodwit of the believers. Ahmad has said: their bloodwit is the bloodwit of the believers when the offense is intentional. However, he has said that the bloodwit is $\frac{1}{2}$ the bloodwit of the believers according to one narration, and $\frac{1}{3}$ the bloodwit of the believers according to another narration.

Maalik relied upon the narration of 'Amr Bin Shu'ayb. Ash Shaafi'ee relied upon the fact that 'Umar fixed the bloodwit at 4,000 which is 1/3 the bloodwit of the believers. Ahmad relied upon the narration of 'Amr Bin Shu'ayb as well, though he doubled the bloodwit of an intentional offense as a punishment since there is no retaliation. Lastly, Aboo Haneefa maintained that the believers and those who enjoy immunity can retaliate against each other, thus he concluded that their bloodwit is equal.

The prophet (may Allaah send salutations upon him) imposed the bloodwit upon agnate male relatives, though not the husband and son of a female murderer.

He ruled that the bloodwit of a mukaatab slave can equal the bloodwit of a free man according to the amount which the former has paid for his emancipation. This was also the ruling of 'Alee Bin Abi Taalib and Ibraaheem An Nakha'ee, and it has been attributed to Ahmad.

'Umar has said: if he pays 1/2 of the cost of his emancipation, he is no longer a slave, though he remains in debt. This was also the ruling of 'Abdul Malik Bin Mirwaan. Ibn Mas'od has said: if he pays 1/3 of the cost of his emancipation, he is no longer a slave, though he remains in debt, and 'Ataa has said: if he pays 3/4 of the cost of his emancipation, he is no longer a slave, though he remains in debt. The point is, this nation has not unanimously rejected this prophetic ruling, and it does not seem to have been abrogated.

As for the following narration: (a mukaatab slave remains as such if a dirham remains outstanding), it does not contradict the aforementioned ruling, because a mukaatab slave does not become completely free until his debt is paid.

Chapter

His Judgement Of An Admitted Fornicator/Adulterer

It has been verified in Al Bukharee and Muslim that a man came to the prophet (may Allaah send salutations upon him) and confessed that he had committed adultery. However, the prophet (may Allaah send salutations upon him) avoided him until he confessed four times, so he asked: (are you insane)? He replied: no. He asked: (have you married)? He replied: yes. As a result, he ordered that he be stoned in the prayer area, though he fled. Thereafter, he was caught and stoned to death, and the prophet (may Allaah send salutations upon him) performed prayer for him.

The following wording also appears in Al Bukharee and Muslim: (is it true what I have heard about you)? He asked: and what have you heard about me? He replied: (I have been informed that you had sex with a female slave). He said: yes. He then confessed four times, so the prophet (may Allaah send salutations upon him) called him and asked: (are you insane)?

He replied: no. He asked: (have you married) ? He replied: (yes). He said: (take him away and stone him).

The following wording appears in Al Bukhaaree: (perhaps you looked at her, or winked at her, or kissed her). He said: no.

It has been narrated in Saheeh Muslim that a woman said: O messenger of Allaah, I have committed adultery, so purify me. However, he rejected her, so she returned the next day and said: O messenger of Allaah, by Allaah, I am pregnant. He said: (then do not return until you have delivered). Once she delivered, she returned with her child and he said: nurse and wean him. Once she had weaned him, she returned with her child who held a piece of bread. She said: I have weaned him prophet of Allaah, and he ate his food. Consequently, the child was given to one of the believers and the woman was buried up to her chest. Thereafter, the people began stoning her, so Khaalid Bin Al Waleed did so as well and her blood sprayed upon his face. As a result, he cursed her, so the messenger of Allaah (may Allaah send salutations upon him) said: (at ease O Khaalid. By he in whose hand is my soul, if a tax collector were to repent as she has, he would be forgiven). Thereafter, he performed prayer for her and she was buried.

It has been narrated in Saheeh Al Bukhaaree that the messenger of Allaah (may Allaah send salutations upon him) would punish and exile a fornicater.

It has been narrated in Al Bukhaaree and Muslim that a man said to the prophet (may Allaah send salutations upon him) : I implore you by Allaah to judge with the Qur'aan. Thereafter, another man who was more learned than him said: he has spoken the truth, judge with the Qur'aan, and allow me to speak. He said: (speak). He said: my son fornicated with his wife, so I gave him 100 sheep and a servant. However, I sought a ruling and was informed that my son must be flogged 100 times and exiled for a year. I was also informed that this man's wife must be stoned.

The prophet (may Allaah send salutations upon him) said: (by he in whose hand is my soul, I shall judge with the Qur'aan. The 100 sheep and the servant will be returned to you, and your son must be flogged 100 times and exiled for a year. O Anees, question this man's wife, and if she confesses, stone her). Thereafter, she confessed and was stoned.

It has been narrated in Saheeh Muslim that the prophet (may Allaah send salutations upon him) has said: (if both parties have married, they must be flogged 100 times and stoned. Otherwise, they must be flogged 100 times and exiled for a year).

These decisions entail the following:

One who is married is stoned, though not until he has confessed four times.

If one confesses less than four times, he is not obliged to continue. In fact, the imaam should suggest that he refrain from doing so.

The confession of one who is insane or intoxicated is not considered, this applies as well to his divorce, his emancipation, his oath and his bequest.

One may be punished by law in the prayer area but not in this masjid, and this is not contradictory.

If one who has married commits adultery with a female slave, he is stoned as if he has done so with a free woman.

The imaam should discourage confession. He must also request details if necessary, because the pleasure of the mouth, eye, and hand is fornication.

One who is unaware that fornication/adultery is prohibited must not be punished, because the prophet (may Allaah send salutations upon him) questioned a man concerning the legal status of fornication/adultery, and he replied: I approached her unlawfully, unlike a man who is married.

A pregnant woman is not punished, and she is allowed to nurse and wean her child.

A woman is buried unlike a man, and the imaam is not obliged to stone first.

It is impermissible to curse the disobedient once they have repented, and prayer is performed for them once they have been executed.

If one confesses that he has committed fornication/adultery with such and such woman, he is not punished for defamation.

The imaam may entrust another with punishment.

One who has married is not flogged, because the prophet (may Allaah send salutations upon him) did not flog Maa'iz or the Ghaamidee woman, nor did he command Anees to flog the woman whom he sent him to. This is the majority opinion, and the narration of 'Ubaada is abrogated, namely: (if both parties have married, they are flogged and stoned). As for the narration of Jaabir which appears in the Sunan, a man was flogged and then he was stoned once he confessed that he had married. In fact, Jaabir himself has said: he was unaware that he had married, so he was flogged. However, once he was aware that he had married, he was stoned. Narrated by Aboo Daawud.

Being ignorant of liability does not waive punishment when one is aware of prohibition, because Maa'iz did not know that he was liable to be executed.

A confession can prompt a ruling, even if it was not heard by two people. This was the view of Ahmad, because the prophet (may Allaah send salutations upon him) did not say to Anees: if she confesses in the presence of two people, stone her.

When a decision concerns an exclusive right of Allaah, an appeal is not required.

When a woman deserves punishment, the imaam may send another person to apply the law.

A judge or imaam may swear that his decision is the ruling of Allaah the magnificent if he is certain.

A woman must be exiled with one whom she cannot marry. Otherwise, she may not be exiled, and Maalik has said: women are not exiled, because they are an 'awra.

Chapter

He Punished The People Of The Book According To The Law

It has been verified in Al Bukhaaree, Muslim, and the Masaaneed collections that some Jews came to the messenger of Allaah (may Allaah send salutations upon him) and mentioned to him that a man and woman from amongst them committed adultery. As a result, the messenger of Allaah (may Allaah send salutations upon him) asked: (what have you found in the Tawraa concerning stoning) ? They replied: we expose the two parties and flog them, so 'Abdullaah Bin Salaam said: you have lied, stoning is mentioned therein. Thereafter, they opened the Tawraa and one of them placed his hand upon the verse of stoning reading the verse before it and the verse after it. Consequently, 'Abdullaah Bin Salaam said to him: raise your hand, and he did. They said: he has spoken the truth O Muhammad, stoning is mentioned therein. Afterward, the messenger of Allaah (may Allaah send salutations upon him) ordered that they be stoned.

This ruling entails that one must not be a Muslim in order to consummate a marriage, and this was maintained by Ash Shaafi'ee and Ahmad. Those who did not maintain this view have differed concerning the aforementioned prophetic tradition. Maalik has said: the Jews did not enjoy immunity. However, Saheeh Al Bukhaaree reveals the opposite, but the Jews undoubtedly enjoyed immunity once they came to an agreement with the prophet (may Allaah send salutations upon). In fact, they sought his judgement and were pleased with his decision, and the following has also been narrated: come with us to this prophet, because he has been sent with leniency.

Some have said: he stoned the two parties according to the Tawraa.

Others have said: he stoned the two parties for a political objective, but this is the worst supposition. Rather, he stoned them due to the judgement of Allaah which is the only decision.

If those who enjoy immunity seek our judgement, we judge them according to the law.

If one who enjoys immunity testifies against one who also does, his declaration is acceptable, because the two adulterers did not confess. Furthermore, the believers did not testify against them, because they were not present when they committed adultery.

It has also been narrated that the prophet (may Allaah send salutations

upon him) said to the Jews: (return with four people from amongst you).

Stoning is sufficient, thus it is not combined with flogging. Ibn 'Abbaas has said: stoning is found in the book of Allaah: **{O people of the book, our messenger has come to you, and he reveals to you much of the book which you used to conceal}** [Al Maa'ida/15].

﴿يَتَأْهَلِ الْكِتَابِ قَدْ جَاءَكُمْ رَسُولُنَا يُبَيِّنُ لَكُمْ كَثِيرًا مِمَّا كُنْتُمْ تُخْفُونَ مِنَ

الْكِتَابِ﴾ [المائدة:15]

Some have concluded that stoning has been mentioned in the following verse as well: **{we have revealed the Tawraa which contains light and guidance, and the prophets judge according to it}** [Al Maa'ida/44].

﴿إِنَّا أَنْزَلْنَا التَّوْرَةَ فِيهَا هُدًى وَنُورٌ يُحْكُمُ بِهَا النَّبِيُّونَ الَّذِينَ أَسْلَمُوا﴾ [المائدة:44]

Chapter

His Decision Concerning A Man Who Commits Adultery With His Wife's Female Slave

It has been relayed in the four Sunan collections and the Musnad that Habeeb has narrated that a man named 'Abdur Rahmaan Bin Hunayn had sex with his wife's female slave. As a result, he was brought to An Nu'maan Bin Basheer who was the commander of Kufa. He said: I shall apply the ruling of the messenger of Allaah (may Allaah send salutations upon him). If she declared her lawful for you, I will flog you 100 times. Otherwise, I will stone you. However, it was discovered that she had declared her lawful for him, so he flogged him 100 times.

People have differed concerning this ruling. Ahmad accepted it, because the aforementioned narration is reliable (hasan). In addition, legal theory necessitates this ruling, because ambiguity obliges the repeal of a prescribed punishment, though it does not oblige the repeal of a reformatory punishment. As a result, the punishment of 100 lashes was reformatory. However, had the wife not declared the female slave lawful, her husband would have committed adultery, thus he would have been stoned.

Chapter

It has not been verified that the prophet (may Allaah send salutations upon him) issued a ruling concerning homosexuality, though it has been verified that he has said: (kill the active and passive participant). Narrated by the people of the four Sunan collections. At Tirmidhee has said: an authentic (hasan) prophetic tradition.

Aboo Bakr As Siddeeq implemented this ruling and sent it to Khaalid after consulting the companions. In fact, 'Alee was the most severe in this regard.

Our teacher has said: all of the companions agreed that a homosexual must be executed, but they disagreed in terms of the method. As a result, Aboo Bakr As Siddeeq has said: he must be thrown from a high altitude. 'Alee has said: a wall must fall upon him, and Ibn 'Abbaas has said: he must be stoned to death.

Consequently, they all agreed that a homosexual must be executed, even though they disagreed in terms of the method. Similarly, the prophet (may Allaah send salutations upon him) ruled that one should be executed for having sex with one whom he cannot marry, because sex is unlawful in these two instances. For this reason, both acts have been mentioned in the narration of Ibn 'Abbaas, namely: (kill whomever you find performing the action of the people of Loot) (kill whomever has sex with one whom he cannot marry) (kill whomever has sex with a beast, and kill the animal as well).

The more unlawful the action, the more severe the penalty. It is a greater crime to have sex with one who is absolutely unlawful than it is to have sex with one who is lawful in some instances. One of two narrations states that Ahmad ruled that homosexuality and bestiality are equal, thus one is executed or punished as a fornicator.

The early believers differed in this regard, thus Al Hasan has said: he is punished as a fornicator. Aboo Salama has narrated that he has said: he is executed. An Nakha'ee has said: his punishment is reformatory, and Aboo Haneefa, Maalik, Ash Shaafi'ee, and Ahmad according to one narration accepted this ruling, because Ibn 'Abbaas ruled as such, and he is the narrator of the aforementioned narration.

Chapter

The prophet (may Allaah send salutations upon him) ruled that if one confesses that he had committed fornication/adultery with a particular woman, he is not punished for defamation. It has been relayed in the Sunan collections that Sahl Bin Sa'd has narrated that a man came to the prophet (may Allaah send salutations upon him) and confessed that he fornicated with a woman whose name he revealed. As a result, the messenger of Allaah (may Allaah send salutations upon him) questioned her, and she denied the accusation. Consequently, he flogged the man and avoided the woman.

This ruling entails two matters:

1. The man must be punished, even if the woman accuses him of lying, despite the position of Aboo Haneefa and Aboo Yoosuf.
2. A man must not be punished for defamation.

There is a narration of Ibn 'Abbaas in Sunan Abee Daawud which states that a man confessed four times that he committed fornication. Consequently, the prophet (may Allaah send salutations upon him) flogged

him 100 times. Thereafter, the woman said: by Allaah O messenger of Allaah, he has lied. As a result, he was flogged eighty times for defamation. An Nasaa'ee has said: this narration is unreliable (munkar).

Chapter

He ruled that a female slave who commits fornication is flogged. As for the statement of the most high concerning female slaves, namely: **{if they commit adultery, their sentence should be half the punishment of free women}** [An Nisaa/25].

﴿فَإِذَا أَحْصَيْنَ فَإِنْ أَتَيْنَ بِفَحْشَةٍ فَعَلَيْهِنَّ نِصْفُ مَا عَلَى الْمُحْصَنَاتِ مِنَ الْعَذَابِ﴾ [النساء: 25]

This states that the prescribed punishment of female slaves who have married is half the punishment of free women who have not married.

There are two statements concerning this punishment:

1. This is the prescribed punishment, though conditions differ before and after marriage. As a result, the master may punish before marriage, though only the imaam may do so thereafter.

2. Flogging before marriage is a reformatory punishment and not a prescribed punishment, and this is not negated by the narration of Aboo Hurayra which appears in Saheeh Muslim, namely: (if your female slave commits fornication, flog her).

The following statement of 'Alee is also found in Saheeh Muslim: O people, punish your slaves according to the law, whether they have married or not. A female slave of the messenger of Allaah (may Allaah send salutations upon him) committed fornication, so he commanded me to flog her. However, I feared that I would kill her since she had recently given birth. When I informed him of this, he said: (you have done well).

Reformatory punishment can entail prescribed punishment in legal speech. For example, the prophet (may Allaah send salutations upon him) has said: (one can only be flogged more than ten times if the punishment has been prescribed by Allaah the most high).

It has been verified that reformatory punishment exceeded this amount, and it has not been verified that this was abrogated or unanimously opposed.

In any event, punishment should not differ after marriage. Otherwise, a restriction would be futile. As a result, it would have to be said that there is no prescribed punishment before marriage, though the prophetic tradition refutes this. However, one could say that a female slave is punished like a free woman before marriage and that her punishment is reduced by ½ thereafter, but this contradicts legal theory. One could also say that flogging before marriage is a reformatory punishment and that flogging after marriage is a prescribed punishment, and this is a more likely supposition. Lastly, one could say that the former punishment differs from the latter in

terms of execution rather than quantity. Namely, the master punishes at one point and the imaam does so at another, and this is the most plausible deduction.

Chapter

The messenger of Allaah (may Allaah send salutations upon him) flogged two men and one woman for defamation when Allaah the glorified revealed that his wife was innocent.

He ruled that one who changes his religion must be executed, and he did not stipulate a particular gender. In fact, As Siddeeq executed a woman who became an apostate.

He ruled that one who consumes intoxicants must be beaten with sandals and palm-leaf stalks forty times, and Aboo Bakr followed suit.

It has been narrated in the Musannaf of 'Abdur Razzaaq that the prophet (may Allaah send salutations upon him) flogged people eighty times for consuming intoxicants.

'Alee has said: the messenger of Allaah (may Allaah send salutations upon him) and Aboo Bakr flogged people forty times for consuming intoxicants, and 'Umar did so eighty times, and this is all prophetic tradition.

It has been verified that the prophet (may Allaah send salutations upon him) enjoined the execution of one who consumes intoxicants four or five times. However, people have differed in this regard, thus it has been said that this ruling has been abrogated by the following prophetic tradition: (the blood of a Muslim is only lawful in one of three circumstances). It has been said that this ruling is muhkam and that a general statement does not conflict with a specific statement, especially when it appears that the former has preceded the latter. Lastly, it has been said that this ruling has been abrogated by the narration of 'Abdullaah Himaar, because he was brought to the messenger of Allaah (may Allaah send salutations upon him) repeatedly, though was only flogged.

It has been said: one who consumes intoxicants may be executed as a reformatory punishment, namely if the prescribed punishment is not a deterrent. 'Abdullaah Bin 'Umar has said: bring him to me the fourth time, because I will be obliged to execute him. In fact, he is one of the narrators who conveyed the prophetic injunction to execute those who consume intoxicants, and these narrators are:

Mu'aawiyah

Aboo Hurayrah

'Abdullaah Bin 'Umar

'Abdullaah Bin 'Amr

Qubaysah Bin Dhu'ayb

The narration of Qubaysa indicates that execution is a reformatory punishment or is abrogated, because he has said: a man who consumed intoxicants came to the messenger of Allaah (may Allaah send salutations upon him) , so he flogged him. Thereafter, he returned, so he flogged him, and he returned again, so he flogged him. However, his execution was repealed. Narrated by Aboo Daawud.

One may ask: how do you respond to the following narration of 'Alee? The messenger of Allaah (may Allaah send salutations upon him) did not set a precedent. Rather, it was a punishment which we agreed upon.

The meaning of this is: the messenger of Allaah (may Allaah send salutations upon him) did not limit this punishment such that it could not be increased or decreased like other prescribed punishments. However, 'Alee did see him flog people forty times.

As for his statement: rather, it was a punishment which we agreed upon, 'Umar consulted the companions who suggested that he flog eighty times, and he did. However, he flogged forty times during his rule, and he said: this is dearer to me.

If one were to reflect upon narrations in this regard, he would notice that they indicate that forty lashes is a prescribed punishment. He would also notice that the additional punishment was reformatory and endorsed by the companions. As a result, execution is either abrogated or the prerogative of the imaam when he feels that the people require a stronger deterrent.

Chapter

His Ruling Concerning A Thief

He severed the hand of a thief due to a shield whose value was three dirhams.

He ruled that a hand cannot be severed due to an item whose value is less than $\frac{1}{4}$ of a deenaar.

It has been verified that he has said: (sever hands due to items whose value is at least $\frac{1}{4}$ of a deenaar). Narrated by Ahmad.

'Aa'isha has said: the hand of a thief would not be severed during the life of the messenger of Allaah (may Allaah send salutations upon him) due to an item whose value was less than the price of a shield.

It has been verified that he has said: (may Allaah curse the thief. He steals a rope and an egg, thus his hand is severed). It has been said: this is the rope of a ship and an iron helmet. It has been said: rather, it is any rope and egg, and it has been said: stealing a rope or an egg leads to the theft of greater items causing the loss of a hand.

He ruled that a woman lose her hand for borrowing items and denying that she had done so.

Ahmad supported this ruling, and it is not at variance.

One who denies that he has borrowed something has stolen it, because when the companions spoke to the prophet (may Allaah send salutations upon him) about the woman who acted as such, he severed her hand and said: (by he in whose hand is my soul, if Faatima Bint Muhammad stole, I would sever her hand).

He considered the denial of borrowed goods theft in the same way that he considered all intoxicants khamr, so reflect upon this, because it clarifies the intent of Allaah.

He ruled that an indigent person is not liable if he obtains hanging produce with his mouth. Whereas, if he departs with it, a double fine is imposed and he is punished. However, he ruled that a hand is severed if he gathers produce from the threshing floor whose value is the equivalent of a shield.

He doubled the price of sheep which are taken from their pasture. Whereas, if they are taken from their resting place and equal at least the price of a shield, a hand is severed.

A thief stole the outergarment of Safwaan Bin Umayya as he slept in the masjid, so the prophet (may Allaah send salutations upon him) ruled that his hand be severed. As a result, Safwaan Bin Umayya wished to give to him as a gift or sell it to him, so the prophet (may Allaah send salutation upon him) asked: (why did not you do this before you brought him to me) ?

He severed the hand of a thief who stole a shield from the veranda of the masjid.

He did not sever the hand of a slave who was included amongst 1/5 of the spoils of war, and he said: (the wealth of Allaah has stolen the wealth of Allaah) , i. e. 1/5 of the spoils of war. Narrated by Ibn Maaajah.

It has been narrated in At Tirmidhee that he severed the hand of a thief and hung it from his neck. At Tirmidhee has said: an authentic (hasan) prophetic tradition.

Chapter

His Ruling Concerning One Who Accuses Another Of Theft

Aboo Daawud has relayed that Azhar Bin 'Abdillaah has narrated that the belongings of a people were stolen, so they accused another people of theft. Thereafter, they came to An Nu'maan Bin Basheer the companion of the messenger of Allaah (may Allaah send salutations upon him) , and he detained the accused for a few days. As a result, the accusers said to An Nu'maan Bin Basheer: you let them go without beating them, so he said: if you wish, I will beat them. However, if your belongings do not surface, I will beat you similarly. They said: this is your ruling, so he said: it is the ruling of Allaah and his messenger.

Chapter

These rulings entail the following:

A hand cannot be severed when stolen goods equal less than three dirhams or $\frac{1}{4}$ of a deenar.

Those who commit major sins may be cursed in general, and the prophet (may Allaah send salutations upon him) cursed:

the thief

one who receives usury

one who provides usury

one who consumes intoxicants

one who produces intoxicants

one who performs the action of the people of Loot

The prophet (may Allaah send salutations upon him) forbade that 'Abdullaah Himaar be cursed, but there is no conflict in this regard, because a particular individual could suffer, do good, repent, or be forgiven. As a result, those who commit major sins may be cursed in general but not in specific.

The means to an end may be blocked, because the prophet (may Allaah send salutations upon him) has informed us that the theft of a rope or an egg should not go unabated until a hand is severed.

If one denies that he has borrowed goods, his hand is severed, because he is a thief in terms of the law.

If one steals an item which does not necessitate the loss of a hand, his fine is doubled. Ahmad has said: if one is exempt from the loss of a hand, his fine is doubled.

Reformatory punishment and a fine may coincide, and this is a combination of financial and physical punishment.

The sanctuary is significant, because the prophet (may Allaah send salutations upon him) did not enjoin that one lose his hand for stealing from a tree, though he did enjoin that one lose his hand for stealing from the threshing floor.

A person is not liable when he eats with his mouth. Whereas, he receives a double fine and is beaten for taking produce and departing with it. Lastly, his hand is severed if he steals produce from the threshing floor, regardless if it has already dried or not. Consequently, it is the sanctuary which is important and not the dryness of the produce. This is indicated by the fact that the prophet (may Allaah send salutations upon him) did not enjoin that one lose his hand for stealing sheep from their pasture, but rather from their resting place.

Financial punishment is a prophetic tradition which was followed by the rightly guided successors and other companions.

A person is the sanctuary of his clothes and bedding, even if he is not in the masjid.

The masjid is the sanctuary of what is usually placed therein, because the prophet (may Allaah send salutations upon him) severed the hand of one who stole a shield from the veranda.

A stolen item must be demanded in order for the thief to lose his hand. Consequently, if it is given to the thief as a gift or is sold, punishment is waived. For this reason, the prophet (may Allaah send salutations upon him) asked: (why did not you do this before you brought him to me) ?

If a stolen item is given to the thief as a gift or is sold once the imaam intervenes, the thief will still be punished, and the following has been narrated in the Sunan collections: (once a case reaches the imaam, may Allaah curse the one who intercedes and the one whom he intercedes for).

One does not lose his hand when he steals what he is entitled to.

One does not lose his hand until he confesses twice or two people testify.

One should suggest that the thief not confess, but this does not always apply.

The hand of the thief may be hung from his neck so that he and others may learn a lesson.

Someone accused of a crime may be beaten if he arouses suspicion, because the prophet (may Allaah send salutations upon him) punished people who were accused of crimes.

Someone accused of a crime must be freed if he does not arouse suspicion. Otherwise, the one who levels this accusation may beat the accused, though if his property does not surface, the accused may beat his accuser similarly.

One may retaliate after being whipped or beaten.

Chapter

Aboo Daawud has narrated that the prophet (may Allaah send salutations upon him) enjoined the execution of a thief. The companions said: rather he has stolen, so the prophet (may Allaah send salutations upon him) said: (sever his hand). He was then brought to him again, so he ordered that he be executed. The companions said: rather he has stolen, so the prophet (may Allaah send salutations upon him) said: (sever his hand). He was brought to him a third time, so he ordered that he be executed. The companions said: rather he has stolen, so the prophet (may Allaah send salutations upon him) said: (sever his hand). He was brought to him a fourth time, so the prophet (may Allaah send salutations upon him) said: (kill him). The companions said: rather he has stolen, so the prophet (may Allaah send salutations upon him) said: (sever his hand). He was brought to him a fifth time, so the prophet (may Allaah send salutations upon him) ordered that he be

executed, and he was.

People differ concerning this ruling. As a result, An Nasaa'ee and others have declared this narration unreliable. An Nasaa'ee has said: this narration is munkar and Mus'ab Bin Thaabit is weak. However, others have declared this narration reliable (hasan) saying: this ruling applied to that man only, because the messenger of Allaah (may Allaah send salutations upon him) knew that his execution would be advantageous. Lastly, there are those such as the Maalikee scholar Aboo Mus'ab who maintain this position.

'Abdur Razzaaq has narrated that a slave was brought to the prophet (may Allaah send salutations upon him) four times and was not punished. He was then brought to him a fifth time, so he severed his hand. He was then brought to him a sixth time, so he severed his foot. He was then brought to him a seventh time, so he severed his hand. Finally, he was brought to him an eighth time, so he severed his foot.

The companions did not agree that both hands and feet should must be severed. As a result, Maalik and Ash Shaafi'ee and Ahmad according to one narration have said that both hands and feet must be severed. Whereas, Aboo Haneefa and Ahmad according to another narration have said that only one hand and one foot must be severed.

Chapter

His Ruling Concerning People Who Cursed Him

It has been verified that the prophet (may Allaah send salutations upon him) sanctioned the killing of the woman who cursed him.

He executed a group of Jews who cursed him, and the people were secure on the day of conquest with the exception of four men and two women who mistreated him. He also sanctioned the killing of Ka'b Bin Ashraf and Aboo Raafi'.

Aboo Daawud has relayed that 'Alee has narrated that a Jewish woman used to curse the prophet (may Allaah send salutations upon him). As a result, a man strangled her to death, so the messenger of Allaah (may Allaah send salutations upon him) sanctioned the killing.

There are more than twelve prophetic traditions in this regard which range from hasan to saheeh, and the companions agreed unanimously upon this ruling.

Harb has mentioned that Mujaahid has said: 'Umar executed a man who cursed the prophet (may Allaah send salutations upon him). Afterward, he said: if one curses Allaah, his messenger, or any of the prophets, kill him.

Mujaahid has narrated that Ibn 'Abbaas has said: if a Muslim curses Allaah, his messenger, or any of the prophets, he has declared the messenger of Allaah (may Allaah send salutations upon him) a liar. This is apostacy, thus his repentance must be sought. Consequently, if he does not return to

faith, he must be executed. Similarly, if one who enjoys immunity curses Allaah or any of the prophets, he has violated his agreement. As a result, you must kill him.

Ahmad has mentioned that a monk passed Ibn 'Umar and that someone said: he curses the prophet (may Allaah send salutations upon him). Consequently, Ibn 'Umar said: if I hear him do so, I will kill him. We did not grant them immunity so that they could curse our prophet. The companions have said a great deal in this regard, and numerous scholars have narrated that there is a unanimous agreement surrounding the execution of one who curses the prophet (may Allaah send salutations upon him).

As for the fact that the prophet (may Allaah send salutations upon him) did not execute those who declared him unjust, he could opt to repeal punishment since it was his rights which were violated. However, his nation cannot allow an offense of this nature to go unabated.

The prophet (may Allaah send salutations upon him) pardoned those who declared him unjust, because he was enjoined with forgiveness initially. He would also forgo his rights for the sake of unity, and also so that he would not become known for killing his companions.

Chapter

His Ruling Concerning The One Who Poisoned Him

It has been verified in Al Bukhaaree and Muslim that a Jewish woman poisoned a sheep which the prophet (may Allaah send salutations upon him) took a piece of before spitting it out. However, he pardoned the woman.

It has been narrated in Sunan Abee Daawud that he ordered her death. As a result, it has been said that he opted to forgo his rights and that he punished her upon the death of Bishr Bin Al Baraa who ate with him.

Chapter

His Ruling Concerning A Sorcerer

It has been narrated in At Tirmidhee that the prophet (may Allaah send salutations upon him) has said: (the prescribed punishment of a sorcerer is death by the sword). However, the truth of the matter is that this narration has only reached Jundub Ibn 'Abdillaah.

It has been verified that 'Umar ordered the death of the sorcerer and that Hafsa killed a freed slave woman who cast a spell upon her. However, 'Uthmaan reprimanded her for acting without his command.

It has also been narrated that 'Aa'isha killed a freed slave woman who cast a spell upon her, though Ibn Al Mundhir and others have mentioned that she sold her.

It has been verified that the messenger of Allaah (may Allaah send

salutations upon him) did not execute the Jews who cast spells upon him. Consequently, Aboo Haneefa and Ash Shaafi'ee ruled accordingly while Maalik and Ahmad maintained that a sorcerer deserves death. However, Ahmad also maintained that a sorcerer who enjoys immunity should not be killed. He asserted that the prophet (may Allaah send salutations upon him) did not execute Labeed Bin Al A'sam the Jew when he cast a spell upon him, but those who disagree with Ahmad respond by saying that Labeed Bin Al A'sam did not confess and that evidence was not produced. They also say that the prophet (may Allaah send salutations upon him) feared that evil would befall the people if the spell was left in the well, and it would have remained had Labeed Bin Al A'sam been killed.

Chapter

His Ruling Concerning The First Spoils Of War And The First Murder Victim

The messenger of Allaah (may Allaah send salutations upon him) sent 'Abdullaah Bin Jahsh and those amongst him to await a caravan of the Quraysh. He also gave him a sealed letter which he commanded him not to read until two days later. They killed 'Amr Bin Al Hadramee and captured 'Uthmaan Ibn 'Abdillaah and Al Hakm Bin Keesaan. This was during the sacred month when Allaah the glorified and most high revealed the following: **{they question you concerning fighting during the sacred month. Say: fighting during this month is infidelity, a major sin, and a diversion from the path of Allaah. As for the sacred masjid, it is even a greater sin to expel it's people}** [Al Baqara/217].

﴿يَسْأَلُونَكَ عَنِ الشَّهْرِ الْحَرَامِ قِتَالٍ فِيهِ قُلْ قِتَالٌ فِيهِ كَبِيرٌ وَصَدٌّ عَن سَبِيلِ اللَّهِ وَكُفْرٌ بِهِ وَالْمَسْجِدِ الْحَرَامِ

وَأَخْرَاجُ أَهْلِهِ مِنْهُ أَكْبَرُ عِندَ اللَّهِ﴾ [البقرة: 217]

As a result, the messenger of Allaah (may Allaah send salutations upon him) seized the caravan and captives, and the Quraysh offered a ransom. As a result, he said: (no, not until our two companions arrive) , i. e. Sa'd Bin Abee Waqqaas and 'Utba Bin Ghazwaan. Thereafter, they arrived, so he released 'Uthmaan Ibn 'Abdillaah and Al Hakm Bin Keesaan, and he divided the spoils of war.

This story indicates that one may provide testimony for a written bequest, and Maalik and many of the early believers have agreed. Ibn 'Umar has narrated that the prophet (may Allaah send salutations upon him) has said: (a Muslim who is capable of writing a bequest must do so before two nights have elapsed). Narrated by Al Bukhaaree and Muslim.

This story also indicates that the letter of an imaam or judge does not require corroboration, and that it must not be read it to the carrier.

Chapter

His Ruling Concerning Spies

It has been verified that Haatib Bin Abee Balta'a was a spy, thus 'Umar sought to kill him, though the prophet (may Allaah send salutations upon him) did not allow him to do so. He asked: (how do you know that Allaah has not looked upon the people of Badr and has said: do as you please, for I have forgiven you) ?

Scholars have differed in this regard, thus Sahnoon has said: if a Muslim corresponds with a people who are hostile, he is executed without being asked to repent, and his heirs inherit his wealth. Other companions of Maalik have said: he receives a painful flogging, is detained for a long time, and is exiled near the disbelievers. Ibn Al Qaasim has said: he is executed and it does not seem that he can repent. He is also similar to a heretic.

Aboo Haneefa, Ash Shaafi'ee, and Ahmad have said that spies are not executed. However, Ibn 'Aqeel who was a companion of Ahmad agreed with Maalik and his companions.

Chapter

His Ruling Concerning Captives

'Uqba Bin Abee Ma'eet and An Nadir Bin Al Haarith were amongst the captives whom the prophet (may Allaah send salutations upon him) killed on the day of Badr.

He killed a large number of Jewish captives and demanded a ransom on the day of Badr. He released captives who taught some of the believers how to write, and he was lenient toward the poet Aboo 'Izza on the day of Badr. He said concerning the captives of Badr: (if Al Mut'im Bin 'Adee were alive and spoke to me concerning them, I would release them for him). He also offered one polytheist as a ransom for two believers.

He offered one woman as a ransom for a group of believing men.

He was lenient toward Thumaama Bin Athaal, and he released a segment of the Quraysh on the day of conquest.

None of these rulings have been abrogated. In fact, the imaam may choose whichever option is best.

He enslaved the people of the book and other groups, but the women and children of Awtaas and Banoo Al Mustaliq were not people of the book. Rather, they were Arab idolaters.

The companions enslaved the women and children of Banoo Haneefa, but they were not people of the book. Ibn 'Abbaas has said: the messenger of Allaah (may Allaah send salutations upon him) was given the option of ransom, leniency, execution, or enslavement.

Chapter

His rulings concerning the Jews varied, thus he came to an agreement

with them upon reaching Al Madeena. Thereafter, Banoo Qaynaqaa' waged war against him and he defeated them, then he was lenient toward them. He defeated Banoo An Nadeer and banished them. He defeated Banoo Quraydha and executed them. Lastly, he defeated the people of Khaybar and allowed those who did not wage war to remain on the land.

When Sa'd Bin Mu'aadh ruled that the soldiers of Banoo Quraydha be executed, and that their children be detained, and that their wealth be seized, the messenger of Allaah (may Allaah send salutations upon him) informed him that this was the ruling of Allaah the magnificent above the seven heavens.

This ruling entails that if a people breach an agreement by waging war, their women and children are effected.

Chapter

His Ruling Concerning The Conquest Of Khaybar

He ruled that day that the Jews could retain $\frac{1}{2}$ of the produce of that locale.

He ruled that the sons of Aboo Al Haqeeq be executed for breaching their agreement not to conceal wealth. He also ruled that someone accused of acting as such be punished, and the accused later confessed.

Chapter

His Ruling Concerning The Conquest Of Makka

He ruled that one would be safe if he locked his door, relinquished his weapon, or entered the masjid or the home of Aboo Sufyaan. He ruled that a group of six be executed, amongst whom were the two who sang disparaging songs about him. He ruled that those were wounded or held captive not be killed, and that those who fled not be followed. Abu 'Ubayd has mentioned this in Al Amwaaal.

He ruled that Khuzaa'a give their swords to Banoo Bakr so that they could use them until the late afternoon prayer, then he said: (O Khuzaa'a, refrain from battle).

Chapter

His Ruling Concerning The Division Of The Spoils Of War

He ruled that a horseman was due three portions and that a foot soldier was due one portion. In fact, he always ruled as such, and the majority of legal scholars have accepted this judgement.

He ruled that one who killed a soldier was entitled to his riding animal and all that it carried.

As for the allocation of $\frac{1}{5}$ of the spoils of war, Al Waaqidee has said: $\frac{1}{5}$ of the spoils of war were allocated for the first time during the battle of

Banoo Qaynaqaa' which took place one month and three days after the battle of Badr. Since Banoo Qaynaqaa' accepted his rule, he agreed to peace while stipulating that they relinquish 4/5 of their wealth. However, he allowed them to retain the remainder of their wealth as well as their women and children.

'Ubaada Bin As Saamit has said: we accompanied the messenger of Allaah (may Allaah send salutations upon him) during the battle of Badr. After Allaah had defeated the enemy, they were pursued by a group. Meanwhile, a second group surrounded the messenger of Allaah (may Allaah send salutations upon him) while a third group guarded the base. Once the first group returned, they said: we want the spoils of war, because we pursued the enemy. However, those who surrounded the messenger of Allaah (may Allaah send salutations upon him) said: we are more entitled to the spoils of war, because we surrounded the messenger of Allaah (may Allaah send salutations upon him). Lastly, those who guarded the base said: the spoils of war belong to us, because we guarded the base. As a result, Allaah the magnificent revealed the following: **{they question you concerning the spoils of war, respond by saying the spoils of war are for Allaah and his messenger}** [Al Anfaal/1].

﴿يَسْأَلُونَكَ عَنِ الْأَنْفَالِ قُلِ الْأَنْفَالُ لِلَّهِ وَالرَّسُولِ﴾ [الأنفال: 1]

However, the following was revealed thereafter: **{be aware that 1/5 of the spoils of war are for Allaah}** [Al Anfaal/41].

﴿وَأَعْلَمُوا أَنَّمَا غَنِمْتُمْ مِنْ شَيْءٍ فَإِنَّ لِلَّهِ خُمُسَهُ﴾ [الأنفال: 41]

Al Qaadee Ismaa'eel has said: rather, the messenger of Allaah (may Allaah send salutations upon him) divided the wealth of Banoo An Nadeer amongst the muhaajiroon and three of the ansaar, because the ansaar gave the muhaajiroon ½ of their produce once they reached Al Madeena.

Chapter

Talha Bin 'Ubaydillaah and Sa'eed Bin Zayd were in Syria, hence they did not participate in the battle of Badr. As a result, the messenger of Allaah (may Allaah send salutations upon him) allocated their portions.

Ibn Hishaam and Ibn Habeeb have mentioned that the messenger of Allaah (may Allaah send salutations upon him) commanded Aboo Lubaaba, Al Haarith Bin Haatib, and 'Aasim Bin 'Adee to return. They have also mentioned that he placed Aboo Lubaaba in command of Al Madeena and ordered Ibn Umm Maktoom to lead prayer before allocating their portions.

None differ that 'Uthmaan Bin 'Affaan remained with his wife Ruqayya the daughter of the messenger of Allaah (may Allaah send salutations upon him) and that he received his portion. Ibn Habeeb has said: only the prophet

(may Allaah send salutations upon him) could allocate a portion for one who did not participate in battle. Whereas, the believers agree unanimously that a portion may not be allocated in this case.

Maalik, Ahmad, and a segment of past and present day scholars have said that a portion may be allocated for one whom the imaam dispatches during battle.

Ibn Habeeb has said: the prophet (may Allaah send salutations upon him) would not allocate portions for women, children, and slaves. Rather, he would give them some of the spoils of war.

He would allocate one out of every ten camels.

Jaabir has said: we slaughtered a camel for seven people and a cow for seven people during the year of Al Hudaibiyya.

Jaabir has said: the messenger of Allaah (may Allaah send salutations upon him) commanded each seven of us to purchase a cow or a camel.

It has been relayed in the Sunan collections that Ibn 'Abbaas has narrated that a man said: I must slaughter a cow, and although I can afford one, I cannot find one. As a result, he commanded him to buy and slaughter seven sheep.

Chapter

The prophet (may Allaah send salutations upon him) ruled that one who kills a soldier is entitled to his riding animal and all that it carries, and he did not divide this wealth into fifths, nor did he place it amongst 1/5 of the spoils of war. Rather, this wealth is a part of the essential spoils of war.

Al Bukhaaree has said: the riding animal and all that it carries belongs to the one who kills the soldier. It is not included amongst 1/5 of the spoils of war, and it is obtained with an individual testimony.

Maalik and his companions have said: the riding animal and all that it carries is included amongst 1/5 of the spoils of war.

The companions of Maalik have said: Allaah the most high has said: **{be aware that 1/5 of the spoils of war are for Allaah}** [Al Anfaal/41].

﴿وَأَعْلَمُوا أَنَّمَا غَنِمْتُمْ مِنْ شَيْءٍ فَإِنَّ لِلَّهِ خُمُسَهُ﴾ [الأنفال: 41]

As a result, 4/5 of the spoils of war are for those who obtain them.

Had Allaah intended wealth other than the riding animal and all that it carries, the prophet (may Allaah send salutations upon him) would not have delayed judgement until the battle of Hunayn. He said: (if one kills a soldier, he is entitled to his riding animal and all that it carries) , though he did so after the battle had ended, and it was not until then that Aboo Qataada requested this wealth.

The prophet (may Allaah send salutations upon him) gave this wealth to Aboo Qataada upon an individual testimony without an oath. As a result, it

was not a part of the essential spoils of war.

Others have said: Al Bukhaaree has mentioned that Mu'aadh Bin 'Amr and Mu'aadh Bin 'Afraa killed Aboo Jahl Bin Hishaam on the day of Badr. Consequently, they informed the messenger of Allaah (may Allaah send salutations upon him), so he asked: (which one of you killed him)? Both of them replied: I killed him. He asked: (have you wiped your swords)? They replied: no, so he looked at the swords and said: (both of you have killed him, and his riding animal and all that it carries belongs to Mu'aadh Bin 'Amr). This indicates that this ruling was known from the beginning and that it was merely announced on the day of Hunayn.

As for the following statement of the most high: **{be aware that 1/5 of the spoils of war are for Allaah}** [Al Anfaal/41].

﴿وَأَعْلَمُوا أَنَّمَا غَنِمْتُمْ مِنْ شَيْءٍ فَإِنَّ لِلَّهِ خُمُسَهُ وَلِلرَّسُولِ﴾ [الأنفال: 41]

It is general. Whereas, the ruling in question is specific. However, the prophetic tradition can specify general passages of the Qur'aan.

As for the fact that Aboo Qataada did not request the aforementioned wealth until he heard the announcement, it does not mean that the ruling of the prophet (may Allaah send salutations upon him) was previously unknown. Rather, Aboo Qataada remained silent, because his claim would be insufficient. However, once a witness came forth, he received the wealth.

In reality, an individual testimony is sufficient in this regard, and the prophetic tradition states this.

Chapter

His Ruling Concerning Muslim Wealth Which Is Obtained By The Polytheists

It has been narrated that a horse belonging to Ibn 'Umar was taken by the enemy. Thereafter, it was regained by the believers and returned to him. Similarly, a runaway slave of his was captured by the believers and was also returned to him.

It has been narrated in Sunan Abee Daawud that it was actually the messenger of Allaah (may Allaah send salutations upon him) who returned the slave.

It has been mentioned in Al Mudawwana and Al Waadiha that a man found his camel, so the messenger of Allaah (may Allaah send salutations upon him) said: (if you discover that it has not been allocated, take it. Otherwise, you may purchase it).

The muhaajiroon sought their homes upon the conquest of Makka, though he did not return any of them. Someone asked: where will you stay tomorrow? He replied: (has 'Aqeel left us a dwelling)? He asked this question due to the fact that 'Aqeel had obtained his real estate when he

migrated to Al Madeena. However, 'Aqeel accepted Islaam while his real estate was still in his possession, and the messenger of Allaah (may Allaah send salutations upon him) ruled that one who accepted Islaam could retain similar wealth. In addition, 'Aqeel had inherited from Aboo Taalib unlike 'Alee who could not do so since he accepted Islaam before his father's death. Furthermore, the messenger of Allaah (may Allaah send salutations upon him) did not inherit from 'Abdul Muttalib, because his father 'Abdullaah died while 'Abdul Muttalib was still alive. As a result, the sons of 'Abdul Muttalib inherited from him, and they were the uncles of the prophet (may Allaah send salutations upon him). However, most of them died, so Aboo Taalib obtained the real estate. Thereafter, 'Aqeel seized it since 'Alee was of a different faith. Finally, the prophet (may Allaah send salutations upon him) migrated to Al Madeena, so 'Aqeel seized his home. This is why the messenger of Allaah (may Allaah send salutations upon him) asked: (has 'Aqeel left us a dwelling) ?

When a Muslim would migrate to Al Madeena, the polytheists would seize his real estate. However, when the disbelievers would accept Islaam, they would not be held responsible for taking Muslim wealth, nor would it be returned. In fact, the prophet (may Allaah send salutations upon him) ruled that one who accepts Islaam may retain seized belongings.

Chapter

His Ruling Concerning Gifts Which He Received

His companions would give him food and other gifts, and he would reciprocate by giving twice what he had received.

Kings would give him gifts which he would divide amongst his companions.

It has been narrated in Saheeh Al Bukhaaree that the prophet (may Allaah send salutations upon him) was given silk overgarments, so he divided them amongst his companions. He also reserved one for Mukhrima Bin Nawfal. As a result, he reached the door with his son Al Miswar and said: call him for me. Thereafter, the prophet (may Allaah send salutations upon him) faced him and said: (O Aboo Al Miswar, I reserved this for you).

He was given Maariya who bore his child and Seereen whom he gave to Hassaan. He was also given donkeys and a mules.

Aboo 'Ubayd has mentioned that 'Aamir Bin Maalik gave the prophet (may Allaah send salutations upon him) a horse which he rejected. He said: (we do not accept the gifts of polytheists).

He has also said: (we do not accept aid from the polytheists).

Aboo 'Ubayd has said: he accepted a gift from Aboo Sufyaan, because it was given upon reconciliation. Similarly, he accepted a gift from the mayor of Alexandria for acknowledging his prophethood and entertaining Haatib

Bin Abee Balta'a. However, not once did he accept a gift from a hostile polytheist.

Chapter

A Gift Which Is Given To An Imaam

As for a gift which is given to an imaam, Sahnoon who was a companion of Maalik has said: if the commander of Rome gives an imaam a gift, he may accept it, and it is only for him. Al Awzaa'ee has said: the gift belongs to the believers and the imaam may reciprocate with the wealth of the treasury. Ahmad and his companions have said: if a disbeliever gives an imaam a gift, it is a spoil of war and is treated accordingly.

Chapter

His Ruling Concerning The Division Of Wealth

The prophet (may Allaah send salutations upon him) divided three types of wealth:

- obligatory charity
- the spoils of war
- fay

As for his ruling concerning fay, it has been verified in Al Bukhaaree that he divided a portion of this wealth amongst those whose hearts were sought on the day of Hunayn. However, he did not give the ansaar any of this wealth. As a result, they objected, so he asked: (would it not please you to depart with the messenger of Allaah (may Allaah send salutations upon him) while the people depart with camels and sheep) ?

Allaah the glorified allowed his messenger to manipulate this wealth, and the following has been narrated in Al Bukhaaree: (I give to some and deny others, but those whom I deny are dearer to me).

It has been narrated in the Sunan collections that the messenger of Allaah (may Allaah send salutations upon him) placed the portion of kinsfolk amongst Banoo Haashim and Banoo Al Muttalib and not Banoo Nawfal and Banoo 'Abdi Shams. As a result, Jubayr Bin Mut'im and 'Uthmaan Bin 'Affaan went to him and said: we do not deny the status of Banoo Haashim due to their proximity to you, though why did you give to Banoo 'Abdil Muttalib and not us when we are equal? The prophet (may Allaah send salutations upon him) said: (we and Banoo Al Muttalib are inseparable).

Some people have mentioned that only the prophet (may Allaah send salutations upon him) could rule as such. Consequently, the portion of kinsfolk could later be placed amongst Banoo 'Abdi Shams and Banoo Nawfal, because they, Banoo Haashim and Banoo Al Muttalib are brethren. They are also the sons of 'Abdu Manaaf, and it has been said that Banoo 'Abdi Shams and Banoo Haashim are twins.

The truth of the matter is that the ruling of the prophet (may Allaah send salutations upon him) remains in effect. As for those who say that only he could rule as such, they are mistaken, because he identified the expenditure of this portion. As a result, there can be no increase or decrease. However, the prophet (may Allaah send salutations upon him) would divide this portion unevenly and at variance with the laws of inheritance. Nevertheless, he would fulfill needs when doing so, thus he would facilitate marriage, pay debts, and assist the needy.

It has been narrated in Sunan Abee Daawud that 'Alee Bin Abee Taalib has said: the messenger of Allaah (may Allaah send salutations upon him) entrusted me with 1/5 of 1/5, so I placed it where it belongs, and this was during the life of the messenger of Allaah (may Allaah send salutations upon him), Aboo Bakr, and 'Umar.

Some have asserted that he acted in accordance with the prescribed expenditure, though this is not a plausible supposition. Rather, the most one could say is that he did not deviate from the expenditure of the messenger of Allaah (may Allaah send salutations upon him). In actuality, the guidance and rulings of the messenger of Allaah (may Allaah send salutations upon him) indicate that his expenditure was the same whether it was the aforementioned portion or obligatory charity.

It has been narrated in Al Bukhaaree and Muslim that 'Umar Bin Al Khattaab has said: the wealth which Allaah returned to the messenger of Allaah (may Allaah send salutations upon him) which was not obtained by horsemen belonged to him. As a result, he would spend it upon his family for a year. The following wording has also been narrated: he would reserve a one year supply of food for his family, and he would use what remained to purchase horses and weapons for jihaad.

It has been narrated in the Sunan collections that 'Awf Bin Maalik has said: when the messenger of Allaah (may Allaah send salutations upon him) would receive fay, he would distribute it that day. He would give a single man one portion while giving a married man two portions.

He preferred married men, even if they were not kinsfolk.

Legal scholars differ whether fay was the property of the messenger of Allaah (may Allaah send salutations upon him), and two positions are maintained by the legal school of Ahmad.

The prophetic tradition indicates that he managed this wealth in accordance with divine command, thus he would spend like a slave rather than a king. In fact, he stated this: (by Allaah, I do not give or withhold. Rather, I distribute as I am commanded). Allaah the glorified gave him the choice of being a king or a slave, though he chose the latter.

A messenger who is a slave does not act unless his master commands him to do so. Whereas, a messenger who is a king may give or withhold as he pleases. The most high said the following to the messenger and king

Sulaymaan: {we grant you this, so give or withhold as you please} [Saad/39].

﴿هَذَا عَطَاؤُنَا فَامْنُنْ أَوْ أَمْسِكْ بِغَيْرِ حِسَابٍ﴾ [ص:39]

The prophet (may Allaah send salutations upon him) was offered this rank, though he accepted an even higher rank, i. e. complete servitude.

As for obligatory charity, the spoils of war, and inheritance, they are intended for specific individuals. Consequently, they are not confusing like fay. In fact, if it were not for this confusion, Faatima the daughter of the messenger of Allaah (may Allaah send salutations upon him) would not have sought to inherit his exclusive property. Namely, she was unaware that this property was actually a charity. However, when Aboo Bakr and the rightly guided successors after him discovered this, they did not allow this wealth to be inherited. Rather, they forwarded it to 'Alee and Al 'Abbaas so that they could manage it according to the practice of the messenger of Allaah (may Allaah send salutations upon him). However, they disagreed and sought the judgement of Aboo Bakr and 'Umar, though neither one of them divided this wealth so that it could be inherited.

Allaah the most high has said: {what Allaah has returned to his messenger belongs to them as well as kinsfolk, orphans, travelers, and the indigent lest it remain with the wealthy. Accept what the messenger brings to you and avoid what he prohibits. Revere Allaah for his punishment is severe. Fay is for indigent migrants who have been driven from their homes and wealth. They seek the pleasure and grace of Allaah, and they aid Allaah and his messenger. It is they who are truthful, and the faithful who have settled within the abode of migration before them love those who reach them} {and those who came after them...} [Al Hashr/7-10].

﴿مَا آفَاءَ اللَّهِ عَلَى رَسُولِهِ مِنْ أَهْلِ الْقُرَىٰ فَلِلَّهِ وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَآلِ السَّبِيلِ كَيْ لَا يَكُونَ دُولَةً

بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ وَمَا إِلَيْكُمُ الرِّسَالُ فَخُذُوهُ وَمَانِعْكُمْ عَنْهُ فَأْتُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ ﴿٧﴾

لِلْفُقَرَاءِ الْمُهَاجِرِينَ الَّذِينَ أُخْرِجُوا مِنْ دِيَارِهِمْ وَأَمْوَالِهِمْ يَبْتَغُونَ فَضْلًا مِنَ اللَّهِ وَرِضْوَانًا وَيَنْصُرُونَ اللَّهَ وَرَسُولَهُ

أُولَٰئِكَ هُمُ الصَّدِيقُونَ ﴿٨﴾ وَالَّذِينَ بَوَّءُوا الدَّارَ وَالْإِيمَانَ مِنْ قَبْلِهِمْ يُحِبُّونَ مَنْ هَاجَرَ إِلَيْهِمْ وَلَا يَجِدُونَ فِي صُودْرِهِمْ

حَاجَةً مِمَّا أُوتُوا وَيُؤْثِرُونَ عَلَىٰ أَنْفُسِهِمْ وَلَوْ كَانَ بِهِمْ خَصَاصَةٌ وَمَنْ يُوقِ شُحَّ نَفْسِهِ فَأُولَٰئِكَ هُمُ

الْمُقَرَّبُونَ ﴿٩﴾ وَالَّذِينَ جَاءُوا مِنْ بَعْدِهِمْ يَقُولُونَ رَبَّنَا اغْفِرْ لَنَا وَلِإِخْوَانِنَا الَّذِينَ سَبَقُونَا

بِالْإِيمَانِ وَلَا تَجْعَلْ فِي قُلُوبِنَا غِلًّا لِلَّذِينَ آمَنُوا رَبَّنَا إِنَّكَ رَءُوفٌ رَحِيمٌ ﴿١٠﴾﴾ [الحشر: 7-10]

What Aboo Bakr and his rightly guided successors did is in accord with

the previous verse. For this reason, 'Umar Bin Al Khattaab said the following as Ahmad and others have narrated: no one including myself is more entitled to this wealth than anyone else. A portion of this wealth awaits every Muslim except one who is a slave.

Those who have been mentioned in the verse of fay have also been mentioned in the verse of spoils, because it is they who are entitled to fay. As for the latter, they deserve spoils in specific and fay in general.

Fay is only for those who are mentioned in the previous verse. For this reason, scholars such as Maalik and Ahmad have ruled that the Raafida do not deserve it since they are not of the muhaajiroon, the ansaar, or those who came after them. This was the stance of the people of Al Madeena, and it was adopted by Shaykhul Islaam Ibn Taymiyya, and it is indicated by the Qur'aan, the prophetic tradition, and the practice of the rightly guided successors.

People have differed concerning the verse of charity and the verse of spoils. As a result, Ash Shaafi'ee has said: charity and spoils must be divided amongst all respective recipients.

Maalik and the people of Al Madeena have said: charity and spoils must not be divided amongst all respective recipients.

Aboo Haneefa and Ahmad agree with Maalik in terms of charity, and they agree with Ash Shaafi'ee in terms of spoils.

If one were to reflect upon the book, the prophetic tradition, and the practice of the rightly guided successors, he would find that they allude to the view of the people of Al Madeena, because Allaah has made the people of fay and the people of spoils synonymous.

Since fay has not been reserved for a particular recipient in contrast to spoils, the former and latter have been made synonymous in terms of expenditure.

The messenger of Allaah (may Allaah send salutations upon him) would spend his portion for religious causes and would spend the remaining four portions upon those who deserved them.

He would begin with the greatest priority, thus he would facilitate marriage, pay debts, and assist the needy. He would also give a single male one share while giving a married male two shares.

He and his rightly guided successors would not gather orphans, kinsfolk, travelers, and the indigent in order to divide 4/5 of the fay amongst them, nor did they divide charity as such.

Chapter

His Ruling Concerning The Observance Of An Agreement With The Enemy, The Breach Of An Agreement With The Enemy, And Infidel Messengers

When the two messengers of Musaylima the liar said: we say that he is

the messenger of Allaah, he said: (if messengers could be killed, I would murder you both).

When the tribe of Quraysh sent Aboo Raafi' to him, he wished to remain. As a result, he said: (return to your people, and if you wish come back, do so).

He sent Aboo Jandal back to this people due to an agreement which stipulated that anyone who reached him having accepted Islaam would return. However, he did not send back women. Consequently, when Sabee'a Al Aslamiyya came to him having accepted Islaam, her husband began to search for her. Thereafter, Allaah the magnificent revealed the following verse: **{O you who believe, when faithful women migrate, test them, and Allaah is most aware of their faith. Once you discover that they are believers, do not return them to the infidels}** [Al Mumtahina/10].

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِذَا جَاءَكُمُ الْمُؤْمِنَاتُ مُهَاجِرَاتٍ فَامْتَحِنُوهُنَّ ۚ اللَّهُ أَعْلَمُ بِإِيمَانِهِنَّ فَإِنْ عَلِمْتُمُوهُنَّ مُؤْمِنَاتٍ فَلَا تَرْجِعُوهُنَّ

إِلَى الْكُفَّارِ ۚ﴾ [الممتحنة:10]

The messenger of Allaah (may Allaah send salutations upon him) obliged her to swear that her migration was purely religious. Once she did so, he returned her dowry to her husband, though he did not send her back. His ruling is in accord with the ruling of Allaah and it has not been abrogated. As for those who claim otherwise, they have no proof, and this has been illustrated in the story of Al Hudaybiyya.

The most high has said: **{if you fear that a people will be treacherous, inform them that you will breach your agreement. Allaah surely dislikes the treacherous}** [Al Anfaal/58].

﴿وَلَمَّا تَخَافُ مِنْ قَوْمٍ خِيَانَةً فَانْذِرْ إِلَيْهِمْ عَلَىٰ سَوَاءٍ ۚ إِنَّ اللَّهَ لَا يُحِبُّ الْمُنَافِقِينَ ۝٥٨﴾ [الأنفال:58]

The prophet (may Allaah send salutations upon him) has said: (you must observe an agreement until it expires. Otherwise, you must declare a breach of agreement). At Tirmidhee has said: an authentic prophetic tradition.

Hudhayfa Bin Al Yamaan and his father were held captive by the Quraysh. Thereafter, they were released, though they were obliged not to join the messenger of Allaah (may Allaah send salutations upon him) in combat. As a result, he said to them as they advanced toward Badr: (inform them that you will breach your agreement and we will ask Allaah to aid us).

Chapter

His Ruling Concerning The Jizya

It has already been mentioned that the prophet (may Allaah send salutations upon him) began his mission without fighting or imposing the jizya. He remained as such for more than a decade while in Makka, he was

then granted permission to wage war once he migrated to Al Madeena. Thereafter, he was commanded to retaliate and to avoid those who were peaceful. Once Baraa'a was revealed in the eighth year, he was commanded to fight Arabs who had not accepted Islaam and had not engaged in a peace agreement. However, he was not commanded to impose the jizya. In fact, he fought the Jews numerous times without doing so.

He was then commanded to fight the people of the book until they accepted Islaam or the jizya. As a result, he imposed the jizya from Arab Jews and Christians as well as Magians.

Since he did not impose the jizya upon Arab polytheists, Ash Shaafi'ee and Ahmad have said: the jizya is only imposed upon the Jews, Christians, and Magians.

The Magians are polytheists without a book, so the fact that the jizya was imposed upon them proves that it could be imposed upon all polytheists. However, the prophet (may Allaah send salutations upon him) did not impose the jizya upon Arab idolaters, though he could not do so since they accepted Islaam before the verse of jizya was revealed. For this reason, he did not impose the jizya upon the Jews who waged war against him.

The disbelief of the Magians was of greater magnitude than the disbelief of the idolaters. In fact, the idolaters acknowledged the lordship of Allaah. They were also aware that he is the only creator, but they worshiped other deities upon the pretense that they brought them closer to Allaah. Nevertheless, they did not believe that one creator is the source of good while another creator is the source of evil as the Magians believe. In addition, they did not allow one to marry his daughter, sister, or mother. In fact, they maintained some aspects of the religion of Ibraaheem.

As for the Magians, they did not have a book nor a prophetic religion. As for the narration which states that they lost their book and their law when their king had sex with his daughter, it is absolutely unreliable. However, even if it were reliable, the Magians could not be considered people of the book.

It is well known that the Arabs followed the religion of Ibraaheem who had a book and a law, and the idolaters could not have altered their religion more than the Magians. However, it is not known that the Magians observed any form of prophetic law. As a result, the Magians whose religion was the worst could not be considered better than Arab polytheists.

Some have said: the jizya is imposed upon every disbeliever except Arab polytheists.

Others have excluded the tribe of Quraysh which is meaningless, because no disbelievers remained, hence there was no one to impose the jizya upon. In reality, the prophet (may Allaah send salutations upon him) invited all Arabs to accept Islaam or the jizya.

As for his ruling concerning the amount of the jizya, he sent Mu'aadh to Yemen and commanded him to take one deenaar or one deenaar of fabric from every mature male. Thereafter, 'Umar imposed a jizya of four deenaars upon those who owned gold and a jizya of forty-six dirhams upon those who owned silver. However, both rulings are prophetic tradition, because the messenger of Allaah (may Allaah send salutations upon him) knew that the people of Yemen were indigent while 'Umar knew that the people of Syria were wealthy.

Chapter

His Ruling Concerning Peace Treaties

It has been verified that he engaged in a ten year peace treaty with the people of Makka. He was joined by his allies from Khuza'a and they were joined by their allies from Banoo Bakr. However, the allies of the tribe of Quraysh were unfaithful toward his allies, and the tribe of Quraysh did not object. As a result, he considered this a breach of agreement, and he ruled that war could be waged without announcement.

It has also been verified that he engaged in a peace treaty with the Jews upon reaching Al Madeena. However, they breached their agreement numerous times, and he defeated them in every battle. Finally, he engaged in a peace treaty with the Jews of Khaybar which required that they surrender their land. However, they could remain as long as they desired if they worked for him. This ruling proves that an imaam may engage in an indefinite peace treaty which he may annul whenever he pleases.

Chapter

His peace treaty with the people of Makka entails the following:

If one wished to align himself with Muhammad, he could.

If one wished to align himself with the tribe of Quraysh, he could.

The tribe of Quraysh was obliged to accept his allies.

He was not obliged to accept the allies of the tribe of Quraysh

He was entitled to reside in Makka for three days during the following year.

His Rulings Concerning Marriage

Chapter

His Ruling Concerning A Female Who Is Married By Her Father

It has been narrated that Khansaa Bint Khaddaam was married by her father against her will, so she came to the messenger of Allaah (may Allaah send salutations upon him) who annulled her marriage.

It has been relayed in the Sunan collections that Ibn 'Abbaas has narrated

that a female slave came to the prophet (may Allaah send salutations upon him) and informed him that her father married her against her will. As a result, he gave her a choice.

It has been narrated in Al Bukhaaree that he has said: (a virgin may not be married without her consent). Others asked: O messenger of Allaah, how does she approve? He replied: (by being silent).

The following has been narrated in Muslim: (the consent of a virgin is sought, and her approval is silence).

This ruling entails that a mature virgin is not married against her will, and the majority of the early believers have agreed.

The prophet (may Allaah send salutations upon him) ruled that a virgin who is married against her will may choose, and the fact that this narration is incontinuous is not a flaw, because there is also a narration which is continuous. However, even if we were to declare this narration interrupted, it is supported by other narrations which are reliable and explicit, and it is also supported by legal theory.

The prophet (may Allaah send salutations upon him) enjoined that a virgin who is married against her will be given an option, because he has said: (the consent of a virgin is sought).

The prophet (may Allaah send salutations upon him) prohibited that a virgin be married against her will, because he has said: (a virgin may not be married until her permission is sought).

As for legal theory, the father of a virgin who is sane and mature may not manage her wealth without her consent, nor may he force her to relinquish any portion of it. As a result, he definitely could not force her to marry against her will, because she would become a captive, and the prophet (may Allaah send salutations upon him) has said: (revere Allaah regarding your wives, because they are your captives).

It would be easier for a father to take his daughter's entire wealth than it would be for him to marry her against her will.

The ruling of the prophet (may Allaah send salutations upon him) is in the best interest of our nation, because the objectives of marriage are attained when a female is joined with one who pleases her. In reality, even if the prophetic tradition did not state this, sound analogy and legal theory would, and success lies with Allaah.

One may say: the prophet (may Allaah send salutations upon him) ruled that a woman who is a virgin and one who is not are distinct when he said: (a female who is not a virgin may not be married until she is consulted, and a female who is a virgin may not be married until her permission is sought) (a female who is not a virgin is more entitled to herself than her guardian, and a female who is a virgin grants her father permission). As a result, it is clear that the guardian of a virgin is more entitled to her. Otherwise, it

would be meaningless to mention a woman who is not a virgin in specific.

A distinction has been made in that the consent of a woman who is not a virgin is speech. Whereas, the consent of a woman who is a virgin is silence. All of this indicates that her consent should not be considered.

A response: this does not indicate that a female who is sane and mature may be married against her will. In fact, the prophetic traditions which you have relied upon repudiate this view.

Reflect upon the following statement of the prophet (may Allaah send salutations upon him) : (a woman who is a virgin grants her father permission) , because it succeeds the following statement: (a woman who is not a virgin is more entitled to herself than her guardian). Both sentences were connected lest one be lead to believe that a virgin could be married against her will. In addition, the fact that a female who is not a virgin is more entitled to herself than her guardian does not necessitate that a woman who is a virgin is not entitled to herself at all.

Legal scholars have differed surrounding the cause of coercion, and six views exist.

1. A father may coerce if his daughter is a virgin. This was the view of Maalik and Ash Shaafi'ee, it was also the view of Ahmad according to one narration.

2. A father may coerce if his daughter is young. This was the view of Aboo Haneefa, it was also the view of Ahmad according to a second narration.

3. A father may coerce if his daughter is a young virgin. This was the view of Ahmad according to a third narration

4. A father may coerce due to any of the previous causes. This was the view of Ahmad according to a fourth view.

5. A father may coerce if his daughter has given birth. Al Qaadee Ismaa'eel has narrated that this was the view of Al Hasan Al Basree.

6. A father may coerce his daughter if he supports her.

Chapter

He ruled that the approval of female who is a virgin is silence and that the approval of a female who is not a virgin is speech. Consequently, the verbal consent of the former is more affirmative. However, Ibn Hazm has said: the consent of a virgin may only be silent, though his statement is typical in light of his methodology.

Chapter

He ruled that an orphan must be consulted and that she does not remain as such upon reaching puberty. This indicates that an orphan who is legally immature may be married, and this view was maintained by 'Aa'isha, Aboo Haneefa, and Ahmad.

The most high has said: {they seek a decision regarding women, say Allaah will announce a decision concerning them and the orphans whom you deprive} [An Nisaa/127].

﴿وَيَسْتَفْتُونَكَ فِي النِّسَاءِ قُلِ اللَّهُ يُفْتِيكُمْ فِيهِنَّ وَمَا يُتْلَىٰ عَلَيْكُمْ فِي الْكِتَابِ فِي يَتِمَّى النِّسَاءِ الَّتِي

لَا تُوْتُونَهُنَّ مَا كُتِبَ لَهُنَّ وَرَغِبُونَ أَنْ تَنْكِحُوهُنَّ﴾ [النساء: 127]

‘Aa’isha has said: this refers to the guardian of an orphan who deprives her of her dowry.

The following has been narrated in the four Sunan collections: (an orphan is consulted. If she remains silent, she has approved. If she objects, she may not be married).

Chapter

His Ruling Concerning Marriage Without A Guardian

It has been relayed in the Sunan collections that ‘Aa’isha has narrated that the prophet (may Allaah send salutations upon him) has said: (if a woman marries without the consent of her guardian, her marriage is invalid. If the marriage is consummated, she may retain her dowry. If she has no guardian, then an authority figure is her guardian). At Tirmidhee has said: an authentic (hasan) prophetic tradition.

The following has also been narrated in the Sunan collections: (there is no marriage without a guardian) (a woman may not be married by a woman, nor may she marry by herself, because only a fornicatress acts as such).

Chapter

When A Female Is Married By Two Guardians

He ruled that if a female is married by two guardians, the first guardian is given authority. He also ruled that if a man sells an item to two men, it is the first of them who has engaged in the transaction.

Chapter

His Ruling Concerning The Tafweed Marriage

It has been verified that a man married a woman without consummating the marriage or giving a dowry before he died. As a result, the messenger of Allaah (may Allaah send salutations upon him) ruled that she was entitled to an exact dowry and an inheritance, and she was obliged to observe the ‘idda period of four months and ten days.

It has been narrated in Sunan Abee Daawud that the prophet (may Allaah send salutations upon him) asked a man: (would you like for me to marry you to so and so) ? He replied: yes. The prophet (may Allaah send salutations upon him) then asked the woman: (would you like for me to

marry you to so and so)? She replied: yes. Thereafter, the man consummated the marriage without giving the woman a dowry. However, as he was dying, he gave her the wealth which he obtained at Khaybar as a substitute.

These rulings entail the following:

One may marry without designating a dowry.

One may consummate the marriage before designating a dowry.

A woman remains entitled to a dowry after the death of her husband, even if he did not consummate the marriage.

A woman is obliged to observe the 'idda period of four months and ten days due to the death of her husband, even if he did not consummate the marriage. This was the view of Ibn Mas'ood, the legal scholars of Iraq, and the scholars of prophetic tradition such as Ash Shaafi'ee and Ahmad.

'Alee Bin Abee Taalib and Zayd Bin Thaabit have said that a female is not entitled to a dowry in this case. This was the view of Maalik and the people of Al Madeena, and it was also the view of Ash Shaafi'ee at one point.

One may represent both parties or act as a guardian.

The husband to be may entrust a guardian.

The guardian may designate a husband, and he must only say: I have married so and so to so and so. However, if he is the husband to be, he may say: so and so (the wife to be) has married. This was the view of Ahmad, though another narration states that this could only be done by a coercive guardian such as one who forces two slaves of his to marry. According to this narration, the consent of both parties is not considered.

Chapter

His Ruling Concerning One Who Discovers That His Newlywed Wife Is Pregnant

It has been relayed in the Sunan collections and the Musannaf that Sa'eed Bin Al Musayyib has narrated that Busra Bin Aktham has said: I married a woman and later discovered that she was pregnant. As a result, the prophet (may Allaah send salutations upon him) said: (she is entitled to the dowry since you consummated the marriage, but the child will be your slave. Once she gives birth, flog her). Thereafter, he separated them.

This ruling entails the following:

If a woman becomes pregnant due to adultery, her marriage is invalid. This was the view of the people of Al Madeena and Ahmad.

It is a designated dowry which remains outstanding in this case. However, Ash Shaafi'ee has said that it is a typical dowry, and it has also been said that it is the lesser dowry.

The prescribed punishment must be applied in this case, even if there is no evidence or confession, because pregnancy is the most conclusive proof.

This was the view of 'Umar Bin Al Khattaab and the people of Al Madeena, and it was also the view of Ahmad according to one narration.

As for his ruling that the child is the slave of the husband, the following has been said: since the child is illegitimate and since the mother was deceptive and obliged the husband to give her a dowry, the prophet (may Allaah send salutations upon him) declared the child akin to a slave. However, since the mother is free, the child is free as well.

It has been said that the prophet (may Allaah send salutations upon him) enslaved the child as a punishment since the mother committed fornication and deceived her husband. It has also been said that this ruling did not exceed the prophet (may Allaah send salutations upon him) and the child.

It has been said that this ruling is abrogated.

It has been said that the free debtors were enslaved in the beginning of Islaam.

Chapter

His Ruling Concerning The Conditions Of Marriage

The following has been narrated in Al Bukhaaree and Muslim: (indeed the most necessary condition is to be faithful once you have consummated your marriage).

(a woman should not ask her sister to divorce so that she may marry, because she will attain what is decreed for her).

It has also been narrated in Al Bukhaaree and Muslim that the prophet (may Allaah send salutations upon him) forbade that a woman stipulate that her sister divorce.

It has been narrated in the Musnad of Ahmad that the prophet (may Allaah send salutations upon him) has said: (a woman may not marry due to a divorce).

This ruling entails that one is obliged to observe the conditions of a contract which does not alter the judgement of Allaah and his messenger.

All agree that the dowry must be given sooner or later, and all agree that one must not observe conditions which violate rights.

There is a discrepancy concerning a condition which states that the husband to be must reside in the home or locale of the wife to be, or that he may not marry another woman. Ahmad and others maintained that these conditions must be observed, thus if the husband is unfaithful, the wife may seek an annulment according to them.

There is a discrepancy concerning the stipulation of status, beauty, virginity, and the absence of flaws which do not justify an annulment. If one does not meet these requirements, can an annulment be sought? Three views exist, one of them states that an annulment can be sought when status is lacking.

The ruling of the prophet (may Allaah send salutations upon him) entails the following:

A woman may not stipulate that her sister divorce, hence this condition must not be observed. One may ask: what is the difference between this and the condition which states that the husband may not remarry?

The difference is this: it is not detrimental to stipulate that a husband not remarry. In addition, legal evidence distinguishes between the conditions in question, hence there is no room for analogy.

Chapter

His Ruling Concerning Unlawful Forms Of Marriage

As for shighaar, Aboo Hurayra, Ibn 'Umar, and Mu'aawiya have narrated that it is unlawful.

Ibn 'Umar has narrated that the prophet (may Allaah send salutations upon him) has said: (there is no shighaar in Islaam). Narrated by Muslim.

The following has been narrated by via Ibn 'Umar: shighaar is for one man to marry his daughter to another man and vice versa without either man giving a dowry.

The following has been narrated via Aboo Hurayra: shighaar is for one man to say to another man: marry your daughter to me and I will marry my daughter to you, or: marry your sister to me and I will marry my sister to you.

The narration of Mu'aawiya states that Al 'Abbaas Bin 'Abdillaah Bin 'Abbaas married his daughter to 'Abdur Rahmaan Bin Al Hakam and vice versa. However, they designated a dowry. Nevertheless, Mu'aawiya wrote to Mirwaan commanding him to separate them, and he said: this is the shighaar which the messenger of Allaah (may Allaah send salutations upon him) forbade.

Legal scholars have differed in this regard, thus Ahmad has said: a shighaar marriage where no dowry is given is invalid due to the narration of Ibn 'Umar, though it becomes valid once a dowry is designated according to him.

Al Kharqee has said: this marriage is invalid even if a dowry is designated due to the narration of Mu'aawiya.

Aboo Al Barakaat Ibn Taymiyya and others have said: if a dowry is designated and it is said: the genitalia of one woman is the dowry of the other, the marriage is invalid.

There is a discrepancy concerning the cause of prohibition, thus the following has been said:

The cause of prohibition is that one contract stipulates the other.

The cause of prohibition is that the genitalia of one woman is the dowry of the other woman which is of no avail to them.

Chapter

Ibn Mas'ood has said: the messenger of Allaah (may Allaah send salutations upon him) cursed the one who engages in a tahleel marriage and the one whom the marriage is performed for. At Tirmidhee has said: this is an authentic prophetic tradition.

Aboo Hurayra has narrated that the prophet (may Allaah send salutations upon him) has said: (Allaah has cursed the one who engages in a tahleel marriage and the one whom it is performed for). Narrated by Ahmad.

A similar narration of 'Alee also appears in the Musnad.

'Uqba Bin 'Aamir has said: the messenger of Allaah (may Allaah send salutations upon him) has asked: (shall I inform you who the borrowed billy goat is) ? Others replied: you certainly should O messenger of Allaah (may Allaah send salutations upon him). He said: (it is the one who engages in a tahleel marriage, and he and the one who relies upon him are cursed by Allaah).

These four eminent companions have declared that the messenger of Allaah (may Allaah send salutations upon him) cursed the one who engages in a tahleel marriage and the one whom it is performed for.

If the prophet (may Allaah send salutations upon him) did not speak on behalf of Allaah, then he invoked him. As a result, his speech is either a truthful account or an answered prayer. This indicates that the action in question is a major sin, and the people of Al Madeena do not differentiate between a condition which is pronounced and one which is intended, because the intent of a contract is germane according to them. In addition, actions are judged by intentions. Furthermore, an intended condition which both parties agree upon is like a pronounced condition according to them, and the objective of speech is not speech itself, but rather the meaning which it conveys. As a result, when intent and meaning become manifest, speech is not considered, because it is a means which has served it's purpose.

Chapter

Temporary Marriage

As for temporary marriage, it has been verified that he allowed it during the year of conquest. It has also been verified that he prohibited it during the same year. Some have said that he did so on the day of Khaybar, though the truth of the matter is that he prohibited temporary marriage during the year of the conquest and the meat of domesticated asses on the day of Khaybar.

'Alee said the following to Ibn 'Abbaas: the messenger of Allaah (may Allaah send salutations upon him) forbade temporary marriage on the day of Khaybar, and he forbade domesticated asses. However, he did so disputing

Ibn ‘Abbaas, though some narrators thought that both temporary marriage and domesticated asses were prohibited on that day. Thereafter, some narrators isolated the former or the latter and restricted it to the day of Khaybar.

It appears that Ibn Mas’ood declared temporary marriage lawful, because it has been narrated in Al Bukhaaree and Muslim that he said the following: since we did not have women at war, we asked: O messenger of Allaah (may Allaah send salutations upon him) , shall we castrate ourselves? However, he forbade us to do so, but then he allowed us to marry for a specific period of time giving fabric as a dowry. Thereafter, ‘Abdullaah recited the following: **{O you who believe, do not forbid what Allaah has declared lawful for you}** [Al Maa’ida/87].

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَحْزَمُوا طَيِّبَاتِ مَا أَحَلَّ اللَّهُ لَكُمْ وَلَا تَعْتَدُوا إِنَّ

اللَّهُ لَا يُحِبُّ الْمُعْتَدِينَ ﴿٨٧﴾ [المائدة: 87]

Nevertheless, it has been relayed in Al Bukhaaree and Muslim that ‘Alee has narrated that the messenger of Allaah (may Allaah send salutations upon him) forbade temporary marriage.

A declaration of unlawfulness followed a declaration of permissibility, otherwise temporary marriage would be abrogated twice. However, ‘Alee did not dispute this, though one must ask: is this prohibition absolute, or is it waived during times of necessity? Rather, Ibn ‘Abbaas ruled that temporary marriage was lawful due to necessity, though once people began to exceed the boundaries, he recanted.

Chapter

Marriage During Ihraam

As for marriage during ihraam, ‘Uthmaan Bin ‘Affaan has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (one who has entered ihraam does not marry nor is he married). Narrated by Muslim.

Ibn ‘Abbaas has said that the messenger of Allaah (may Allaah send salutations upon him) married Maymoona having entered ihraam, though Aboo Raafi’ has said the opposite.

Aboo Raafi’ is more credible for the following reasons:

1. Aboo Raafi’ was mature when he spoke. Whereas, Ibn ‘Abbaas was only ten years old when he spoke, hence the memory of Aboo Raafi’ was better.

2. Aboo Raafi’ relayed the correspondence of the messenger of Allaah (may Allaah send salutations upon him) and Maymoona, thus he was more aware of what transpired.

3. Ibn 'Abbaas was not with the messenger of Allaah (may Allaah send salutations upon him) during the 'umra in question, because it was deferred. In addition, Ibn 'Abbaas was amongst the weak whom Allaah had excused.

4. The messenger of Allaah (may Allaah send salutations upon him) began by performing tawaaf, then he proceeded to As Safa and Al Marwa before having his head shaved.

He did not marry Maymoona while en route, nor did he begin to do so before tawaaf, and he did not marry her during tawaaf. Since this is a well known fact, Aboo Raafi' is definitely more credible.

5. The companions considered Ibn 'Abbaas incorrect unlike Aboo Raafi'.

6. Aboo Raafi' was in accord with the prophet (may Allaah send salutations upon him) unlike Ibn 'Abbaas.

What Ibn 'Abbaas has said necessitates that the prohibition of the messenger of Allaah (may Allaah send salutations upon him) has been abrogated. Otherwise, it necessitates that only he could marry during ihraam. However, both scenarios are unfounded, thus Ibn 'Abbaas is not credible.

7. Yazeed Bin Al Asamm the nephew of Maymoona saw the messenger of Allaah (may Allaah send salutations upon him) marry her outside of ihraam. He said: she was the aunt of Ibn 'Abbaas and I. Narrated by Muslim.

Chapter

The Marriage Of A Fornicatress/Adultress

As for the marriage of a fornicatress/adultress, Allaah the glorified has stated that it is unlawful, and he has informed us that the groom is either a fornicater/adulterer or a polytheist. Namely, if he does not believe that the ruling of Allaah is binding, he is a polytheist. However, if he believes that it is binding, he is a fornicater/adulterer, and Allaah has said: **{and this has been forbidden for the believers}** [An Noor/3].

﴿وَحُرِّمَ ذَلِكَ عَلَى الْمُؤْمِنِينَ﴾ [النور:3]

As for the claim that the following verse: **{marry those amongst you who are not virgins}** [An Noor/34].

﴿وَأَنْكِحُوا الْأَيَّامَ مِنْكُمْ﴾ [النور:32]

Has abrogated the previous verse, it is erroneous. It is even more erroneous to interpret marriage as fornication/adultery, because the meaning of the verse would be: a fornicater/adulterer only commits fornication/adultery with another fornicater/adulterer or a polytheist.

Similarly, one may not deduce that the verse refers to unchaste women who are polytheists. Rather the glorified has allowed one to marry a free

woman who is not a virgin, provided she is chaste.

The glorified has said: **{the vile befit the vile}** [An Noor/26].

﴿الْفَاحِشَةُ لِلْفَاحِشِينَ﴾ [النور: 26]

Namely fornicators/adulterers. As a result, a man who marries an unchaste woman is also vile.

It is repugnant for a man to marry an unchaste woman.

An unchaste woman could possibly commit adultery and become pregnant, but this is not the cause of prohibition.

The prophet (may Allaah send salutations upon him) would separate a couple when the woman became pregnant due to adultery.

Marthad Bin Abee Marthad Al Ghinawee asked the prophet (may Allaah send salutations upon him) to allow him to marry an unchaste woman, so he recited the verse of An Noor and said: (do not marry her).

Chapter

His Ruling Concerning One Who Accepts Islaam While Married To More Than One Woman Or Two Sisters

It has been narrated in At Tirmidhee that a man accepted Islaam while married to ten women, so the prophet (may Allaah send salutations upon him) said: (choose four of them). The following has also been narrated : (part with the rest of them).

A man accepted Islaam while married to two sisters, so the prophet (may Allaah send salutations upon him) said: (choose whichever one you please).

This ruling entails that the marriage of a disbeliever is valid and that he can choose the wives whom he will retain.

This is because he may choose to do so as most scholars maintain. However, Aboo Haneefa has said: if he only has one contract, all of his marriages are invalid. Otherwise, only his first four marriages are valid.

Chapter

He ruled that a slave who marries without the consent of his master is unchaste, and At Tirmidhee has said: an authentic (hasan) prophetic tradition.

Chapter

Banoo Haashim Bin Al Mugheera sought his permission to marry 'Alee Bin Abee Taalib and the daughter of Aboo Jahl, though he refused saying: (only if the son of Aboo Taalib wishes to divorce my daughter. Rather, Faatima is a piece of me, thus what disturbs her disturbs me. I do not prohibit what Allaah has allowed, though I swear that the daughter of the messenger of Allaah and the daughter of the enemy of Allaah shall never assemble.

He praised a son in-law of his saying: (he was truthful and fulfilled his promise).

The ruling of the prophet (may Allaah send salutations upon him) entails the following:

If a man stipulates that he will not re-marry, he must remain faithful. Otherwise, his wife will be entitled to an annulment.

It is a well known fact that the prophet (may Allaah send salutations upon him) did not join 'Alee and Faatima in matrimony so that he could disturb her, and even if the contract did not reveal this, the fact remains. In addition, since the prophet (may Allaah send salutations upon him) commended his other son in-law, one may deduce that he was encouraging 'Alee to emulate him by being faithful.

One may also deduce that a stipulated practice is like a pronounced condition, thus an annulment can be sought when it is neglected. In fact, this corresponds with the legal theory of the people of Al Madeena who oblige one to pay for a service which is provided for a fee.

Profound wisdom lies within the fact that 'Alee was denied the right of marrying the daughter of Aboo Jahl while married to Faatima. Namely, a wife is upon the level of her husband. As a result, if a man and woman are upon a high level, the former will remain as such after marriage, and this is what occurred when Faatima married 'Alee.

Allaah the magnificent could not allow the daughter of Aboo Jahl and Faatima to be equal in status, hence the former was met with disdain. This is what the prophet (may Allaah send salutations upon him) indicated when he said: (I swear that the daughter of the messenger of Allaah and the daughter of the enemy of Allaah shall never assemble).

Chapter

The Unlawfulness Of Marrying One Whom Your Fathers Has Married

The glorified and most high has forbade that one marry a woman whom his father has married. Included in this prohibition is right hand possession and one whom your grandfather has married. Allaah has said: **{except for what has preceded}** [An Nisaa/22].

﴿إِلَّا مَا قَدْ سَلَفَ﴾ [النساء: 22]

Namely, Allaah has pardoned those who acted before proof was established.

Chapter

The Unlawfulness Of Marrying Two Sisters

The glorified has prohibited the marriage of two sisters, and right hand

possession is included in this prohibition. Although most of the companions maintained this view and were correct, some have excluded right hand possession, because Allaah has said: **{those who guard their genitalia, except amongst their wives or those whom their right hands possess}** [Al Ma'aarij/29-30].

﴿وَالَّذِينَ هُمْ لِأَرْوَاحِهِمْ فَاطِرُونَ﴾ (٢٩) إِلَّا عَلَىٰ أَزْوَاجِهِمْ أَوْ مَا مَلَكَتْ أَيْمَانُهُمْ

﴿فَأَنَّهُمْ غَيْرُ مُلْكُمِينَ﴾ (٣٠) [المعارج: 29-30]

For this reason, the commander of the faithful 'Uthmaan Bin 'Affaan has said: one verse declares these sisters lawful and another verse declares them unlawful.

Ahmad has said the following according to one narration: I do not say this is unlawful, though we forbid it. As a result, some of his companions have narrated that he allowed the right hand possession of two sisters. However, the truth of the matter is that he forbade this act, though etiquette prevented him using the term unlawful since 'Uthmaan did not do so.

As for those who have explicitly declared the right hand possession of two sisters unlawful, they have chosen the verse of prohibition for various reasons:

The remainder of what is prohibited in this verse is general in terms of marriage and right hand possession, so how could the act in question not be included? If the verse of permissibility necessitates that the right hand possession of two sisters is lawful, then it should necessitate that the mother of a right hand possession and the right hand possession of ones father or son are lawful as well.

If the right hand possession of two sisters were lawful, then the right hand possession of a mother and daughter would also be lawful.

The prophet (may Allaah send salutations upon him) has said: (the sperm of one who believes in Allaah and the last day must not amass within the wombs of two sisters). Undoubtedly, sperm amasses when two sisters are owned just as it does when they are not.

Chapter

The Unlawfulness Of Marrying A Woman And Her Aunt

The messenger of Allaah (may Allaah send salutations upon him) forbade that one marry a woman and her aunt, and this prohibition derives from the unlawfulness of marrying two sisters. In addition, what the messenger of Allaah (may Allaah send salutations upon him) has forbade is akin to what Allaah has forbade.

The companions were eager to extract prophetic tradition from the Qur'aan, and if one were to do so with a natural disposition and an

intelligent heart, he would discover that the prophetic tradition clarifies the Qur'aan. In fact, this is the highest level of knowledge, so one who reaches this level should praise Allaah. Otherwise, he should blame none but himself.

One may deduce from the aforementioned prohibition that it is impermissible to marry two women who are related if one of them could not marry the other lawfully if she were a male. However, a question arises: if these two women were not related, would it be disliked to marry them? Two views exist.

One may deduce from the general prohibition in the Qur'aan that if one cannot marry a particular woman, he also may not have sex with her as a right hand possession. However, he may do so if she is a woman of the book who is not a virgin, because it is impermissible to marry such a woman. However, Aboo Haneefa differed in this regard.

The majority of scholars have argued asserting that Allaah has allowed one to marry a woman who is not a virgin if she is a believer. He has said: **{if you are financially unable to marry chaste believing women, then turn to your right hand possessions}** [An Nisaa/25].

﴿وَمَنْ لَّمْ يَسْتَطِعْ مِنْكُمْ طَوْلًا أَنْ يَنْكَحَ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ﴾

فَمِنْ مَّا مَلَكَتْ أَيْمَانُكُمْ ﴿[النساء: 25]

{Do not marry the polytheists until they believe} [Al Baqara/221].

﴿وَلَا تَنْكِحُوا الْمُشْرِكِينَ حَتَّى يُؤْمِنُوا﴾ [البقرة: 221]

As for the former verse, Allaah intended free women of the book. As for the latter verse, 'Umar understood that it included women of the book. As a result, he said: I know of no polytheism greater than saying the Messiah is a deity.

The genetalia of a woman is essentially forbidden, though women who are believers who are not virgins may be married.

One may deduce that if a woman is unlawful, so is her daughter. However, this does not apply to the following:

an aunt

a daughter in-law

a mother in-law

the wife of ones father

One may also deduce that all relatives are unlawful except for cousins.

Chapter

His Ruling Concerning One Spouse Who Accepts Islaam Before The Other

Ibn 'Abbaas has said: the messenger of Allaah (may Allaah send

salutations upon him) returned his daughter Zaynab to Aboo Al 'Aas Bin Ar Rabee' without doing anything else due to their marriage. Narrated by Ahmad, Aboo Daawud, and At Tirmidhee.

The following has also been narrated: he did not marry them, and this was six years later. At Tirmidhee has said: the chain of narration is acceptable.

Ibn 'Abbaas has said: a woman accepted Islaam and married during the time of the messenger of Allaah (may Allaah send salutations upon him), so her husband came to the prophet (may Allaah send salutations upon him) and said: O messenger of Allaah, I have accepted Islaam and have announced it. As a result, the messenger of Allaah (may Allaah send salutations upon him) returned the woman to her original husband. Narrated by Aboo Daawud.

A man accepted Islaam during the time of the messenger of Allaah (may Allaah send salutations upon him), then his wife did so afterward. As a result, he said: O messenger of Allaah, she has also accepted Islaam. Consequently, he returned her to him. Narrated by At Tirmidhee who has said: an authentic prophetic tradition.

Maalik has said: Umm Hakeem Bint Al Haarith Bin Hishaam accepted Islaam on the day of conquest. However, her husband 'Ikrima Bin Jahl fled from Islaam by traveling to Yemen. As a result, Umm Hakeem also traveled to Yemen where she invited him to Islaam, and he accepted it. Consequently, he skipped toward the messenger of Allaah (may Allaah send salutations upon him) without an overgarment before pledging allegiance, and his marriage was valid. Maalik has said: when a woman would migrate to the messenger of Allaah (may Allaah send salutations upon him) while her husband remained a disbeliever, her marriage would become invalid. However, this would not be the case when her husband would migrate before the end of the 'idda period.

This ruling entails the following:

A couple remains married when they accept Islaam together, and they are not questioned concerning the validity of their marriage. However, if this couple married while the wife was observing the 'idda period of a former marriage, their marriage is invalid. This also applies if the wife was unlawful due to nursing or lineage, or if she became the co-wife of another such as her sister.

If she became the co-wife of another such as her sister, the man may choose to retain either wife he pleases.

If the wife is the illegitimate daughter of her husband, their marriage is invalid.

If the wife was observing the 'idda period of a former marriage and the husband was a disbeliever, there is no impediment according to those who

invalidate the marriages of disbelievers.

If one spouse accepts Islaam before the other, their marriage does not become invalid. However, migration may or may not invalidate such a marriage, because it is not known that the messenger of Allaah (may Allaah send salutations upon him) ever renewed the marriage of a couple when one spouse accepted Islaam before the other. In fact, he returned his daughter Zaynab to Aboo Al 'Aas Bin Ar Rabee' even though he accepted Islaam more than eighteen years after she did.

As for the following statement of Ibn 'Abbaas: he did not marry them, and this was six years later, he meant that he accepted Islaam six years after her migration. One may ask: since the 'idda period would elapse within that time frame, why was not their marriage renewed?

Believing women were declared unlawful for polytheistic men after the truce of Al Hudaibiyya, hence the aforementioned marriage remained valid. In addition, Aboo Al 'Aas Bin Ar Rabee' accepted Islaam at the time of prohibition.

Evidence does not suggest that the 'idda period is relevant, and Hamaad Bin Salama, Qataada, and Sa'eed Bin Al Musayyib have narrated that 'Alee Bin Abee Taalib has said the following concerning one spouse who accepts Islaam before the other: he is most entitled to her as long as she remains in the abode of migration.

Ibn Abee Shayba Bin Sulaymaan has relayed that Ma'mar has narrated that Az Zuhree has said: if the wife accepts Islaam and not the husband, their marriage remains valid unless they are separated by an authority figure.

The 'idda period has not been considered in prophetic tradition, namely the prophet (may Allaah send salutations upon him) would not ask if it had elapsed. Undoubtedly, if Islaam alone could separate a couple, the divorce would be baa'in and not raj'ee. As a result, the 'idda period would not preserve the marriage. Rather, it would prevent the wife from re-marrying.

The ruling of the prophet (may Allaah send salutations upon him) indicates that this marriage is suspended, thus if the husband accepts Islaam before the 'idda period has elapsed, he is married. Otherwise, the wife may marry whomever she pleases, or she may wait for him to accept Islaam.

We are not aware that the messenger of Allaah (may Allaah send salutations upon him) ruled that the 'idda period be examined or that a couple be separated, even though one spouse would not accept Islaam until long after the other.

Had not the prophet (may Allaah send salutations upon him) affirmed the marriage of a couple who did not accept Islaam simultaneously when he did, we would say that Islaam hastens separation irrespective of the 'idda period, because the most high has said: **{one is not lawful for the other} {do not withhold the contracts of disbelieving women}**

This stance was maintained by:

Al Khallaal

Aboo Bakr

Ibn Al Mundhir

Ibn Hazm

Al Hasan

Taawoos

'Ikrima

Qataada

Al Hakm

Ibn Hazm has said: this stance was maintained by:

'Umar Ibn Al Khattaab

Jaabir Bin 'Abdillaah

Ibn 'Abbaas

Hamaad Bin Zayd

Al Hakm Bin 'Utayba

Sa'eed Bin Jubayr

'Umar Bin 'Abdil Azeez

'Adee Bin 'Adee Al Kindee

etc.

I say: it has also been narrated that Ahmad maintained this stance. However, the following statements: **{do not withhold the contracts of disbelieving women}**

﴿وَلَا تَنْسِكُوا بِعَصَمِ الْكَوَاكِ﴾ [الممتحنة:10]

{one is not lawful for the other}

﴿لَا هُنَّ حِلٌّ لَّهُمْ وَلَا هُمْ يَحِلُّونَ لَهُنَّ﴾ [الممتحنة:10]

Do not hasten separation. As a result, Maalik has narrated that Ibn Shihaab has said: Safwaan Bin Umayya and his wife Bint Al Waleed Bin Al Mugheera accepted Islaam nearly a month after the other.

Bint Al Waleed Bin Al Mugheera accepted Islaam on the day of conquest, and Safwaan Bin Umayya did so after Hunayn and At Taa'if. However, the prophet (may Allaah send salutations upon him) did not separate them, and Ibn 'Abdil Barr has said: the repute of this narration is better than the isnaad.

Ibn Shihaab has said: Umm Hakeem accepted Islaam on the day of conquest and her husband 'Ikrima fled to Yemen. As a result, she invited him to Islaam and he accepted it, so he pledged allegiance and his marriage was valid.

It is a well known fact that Aboo Sufyaan Bin Harb accepted Islaam during the year of conquest before the prophet (may Allaah send salutations upon him) entered Makka. Whereas, his wife Hind accepted Islaam

afterward. Nevertheless, their marriage was valid. Similarly, Hakeem Bin Hizaam accepted Islaam before his wife, and Aboo Sufyaan Bin Al Haarith and 'Abdullaah Bin Abee Umayya accepted Islaam upon meeting the prophet (may Allaah send salutations upon him), but their wives had yet to accept Islaam. Nevertheless, their marriages were valid.

The response of those who maintain that marriage must be renewed is completely erroneous, because it is a well known fact that couples did not pronounce their faith simultaneously.

An equally erroneous stance is maintained by those who say that separation occurs once the 'idda period has elapsed. Although narrations exist in this regard, they are inconclusive. However, if they were reliable, they could not be opposed. Ibn Shibrima has said: during the time of the messenger of Allaah (may Allaah send salutations upon him), a husband would accept Islaam before and after the wife, though if he did so before the elapse of the 'idda period, his marriage was valid.

Hamaad Bin Salama, Ayyoob, Qataada, and Ibn Seereen have relayed that 'Abdullaah Bin Yazeed has narrated that the wife of a Christian accepted Islaam. As a result, 'Umar Bin Al Khattaab gave her the option of staying or leaving.

It is a well known fact that he allowed her to await his conversion so that they could remain man and wife. However, she was also free to leave. It has been narrated that the wife of a Christian accepted Islaam, so 'Umar said: if he accepts Islaam, they are man and wife. Otherwise, they will be separated, and they were since he did not accept Islaam. Similarly, when the wife of 'Ubaada Bin An Nu'maan accepted Islaam, he said: you must accept Islaam or I will separate you, though he refused to do so. As a result, 'Umar separated them.

These narrations are at variance with the narration of Aboo Muhammad Ibn Hazm. Rather, Aboo Muhammad chose narrations which state that 'Umar, Ibn 'Abbaas, and Jaabir separated couples due to Islaam. However, these narrations do not state that Islaam hastens separation, because they are inexplicit. Even if they did state this, the statement of 'Umar is authentic and is akin to the statement of 'Alee, and success lies with Allaah.

Chapter

His Ruling Concerning Withdraw

It has been relayed in the Sunan collections that Aboo Sa'eed has narrated that a man said: O messenger of Allaah, I have a female slave whom I withdraw from, because I fear that she will become pregnant. I desire what men desire, but the Jews say that withdraw is minor infanticide. He said: (the Jews have lied, you cannot impede the creation of Allaah).

Jaabir has said: we withdrew as the Qur'aan was being revealed.

Narrated by Al Bukhaaree and Muslim.

Jaabir has said: we withdrew during the time of the messenger of Allaah (may Allaah send salutations upon him) and he was aware of this, though he did not object. Narrated by Muslim.

Jaabir has said: a man said to the prophet (may Allaah send salutations upon him) : I have a female slave whom I withdraw from, so the messenger of Allaah (may Allaah send salutations upon him) said: (that does not hinder the will of Allaah). The man returned to him and said: O messenger of Allaah, the female slave whom I mentioned to you is pregnant. As a result, the messenger of Allaah (may Allaah send salutations upon him) said: (I am the slave and messenger of Allaah). Narrated by Muslim.

Usaama Bin Zayd has narrated that a man came to the messenger of Allaah (may Allaah send salutations upon him) and said: O messenger of Allaah, I withdraw from my wife. Consequently, the messenger of Allaah (may Allaah send salutations upon him) asked: (why do you do that) ? The man replied: I do so out of consideration for her child, so the messenger of Allaah (may Allaah send salutations upon him) said: (had this been harmful, it would have harmed the Romans and the Persians).

It has been relayed in the Musand of Ahmad and the Sunan of Aboo Daawud that 'Umar Bin Al Khattaab has said: the messenger of Allaah (may Allaah send salutations upon him) forbade that a man withdraw from a free woman without her permission.

Aboo Daawud has said: I have heard Aboo 'Abdillaah mention that Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (one cannot withdraw from a free woman without her permission).

These prophetic traditions state that withdraw is permissible, and the following ten companions have narrated an allowance:

'Alee

Sa'd Bin Abee Waqqaas

Aboo Ayyoob

Zayd Bin Thaabit

Jaabir

Ibn 'Abbaas

Al Hassan Bin 'Alee

Khabbaab Bin Al Aratt

Aboo Sa'eed Al Khudree

Ibn Mas'ood

A group including Aboo Muhammad Ibn Hazm has prohibited withdraw.

A group has declared withdraw permissible when a free women gives her consent. However, some of the companions of Ahmad have declared it unlawful under all circumstances. Whereas, other companions of Ahmad

have maintained the opposite, and a final segment of his companions maintained that withdraw is permissible whether the consenting wife is free or not.

As for those who maintain that withdraw is absolutely permissible, they rely upon the aforementioned prophetic traditions. As for those who maintain the opposite, they rely upon the narration of 'Aa'isha which states that the sister of 'Ukkaasha said the following: some people questioned the messenger of Allaah (may Allaah send salutations upon him) concerning withdraw, so he replied: (that is a form of hidden infanticide) **{when the female who is buried alive is questioned}** [At Takweer/8].

﴿وَإِذَا الْمَوْءِدَةُ سُئِلَتْ﴾ [التكوير: 8]

They have said: Ibn 'Umar has said: if I knew that one of my sons withdrew from his wife, I would punish him as an example.

'Alee disliked withdraw, and Ibn Mas'ood has said: it is minor infanticide.

When Aboo Umaama was questioned concerning withdraw, he replied: I do not believe that a Muslim would do this.

Naafi' has narrated that Ibn 'Umar has said: 'Umar beat some of his sons for withdrawing.

Yahya Bin Sa'eed Al Ansaaree has narrated that Sa'eed Bin Al Musayyib has said: 'Umar and 'Uthmaan prohibited withdraw.

As for the narration of 'Aa'isha, although it has been relayed by Muslim, it is at variance with many prophetic traditions. Aboo Daawud has said: Aboo Sa'eed Al Khudree has narrated that a man said: O messenger of Allaah, I have a female slave whom I withdraw from, because I fear that she will become pregnant. I desire what men desire, but the Jews say that withdraw is minor infanticide. He said: (the Jews have lied, you cannot impede the creation of Allaah).

It is sufficient that all of the narrators of this prophetic tradition were trustworthy memorizers. As for the narrations of Jaabir, they undoubtedly state that withdraw is permissible. Ash Shaafi'ee has said: we have narrated that a number of companions allowed withdraw without objection. Al Bayhaqee has said: we have narrated an allowance via Sa'd Bin Abee Waqqaas, Aboo Ayyoob An Ansaaree, Zayd Bin Thaabit, and others. In fact, the majority of scholars have agreed.

As for the narration of the sister of 'Ukkaasha, some have said that it merely indicates tanzeeh. Whereas, some have declared it unreliable, and they have asked: how could the prophet (may Allaah send salutations upon him) declare the Jews liars and then agree with them? However, some have refuted them saying that this narration is mudtarib and that the narration of the sister of 'Ukkaasha is sound.

Some have accepted both narrations asserting that the Jews believed that withdraw prevented conception. As a result, the prophet (may Allaah send salutations upon him) declared them liars. This is indicated by the fact that he said: (you cannot impede the creation of Allaah) (it is a form of minor infanticide). Although withdraw is not foolproof, it does reduce the likelihood of conception.

Some have said that both narrations are reliable and that the narration of permissibility is abrogated. This was the approach of Muhammad Ibn Hazm and others, and they have said: withdraw was permissible and was then prohibited. However, a chronicle is needed to prove this, though how could it be produced?

Al Qaadee Aboo Ya'la and others have relayed that 'Ubayd Bin Rifaa'a has narrated that his father has said: 'Umar, 'Alee, Az Zubayr, and Sa'd discussed withdraw amongst a group of companions, and they said: withdraw is not objectionable. As a result, a man said: some claim that it is minor infanticide, so 'Alee said: minor infanticide does not occur until seven phases have elapsed. Thereafter, 'Umar said: you have spoken the truth, so may Allaah grant you longevity. Based upon this, some have asserted that one may supplicate a such.

As for those who have allowed withdraw when the woman is free and consenting, they have said: a wife is entitled to a child like her husband, and she deserves custody even moreso. As for a captive, her consent is irrelevant, because she has no rights in this regard.

As for a wife who is a slave, the husband may withdraw without her permission lest his child be bound. However, the consent of the master is germane since he is entitled to the child, thus he is akin to a free woman in this respect.

Aboo Taalib has narrated that Ahmad has said: once he marries, he seeks the permission of the family to withdraw, because they desire pregnancy like the woman. As for a right hand possession, her permission is not sought.

Saalih, Ibn Mansoor, Hanbal, Abee Al Haarith, Al Fadl Bin Ziyaad, and Al Marwadhee have narrated that Ahmad has said: a man may withdraw from a free woman with her consent, though he may do so without the consent of a slave.

Chapter

His Ruling Concerning Ghayl, Or Having Sex With A Nurusng Mother

It has been narrated in Saheeh Muslim that he has said: (I considered prohibiting ghayla until I recalled that the Romans and Persians were not harmed by this practice).

It has been relayed in Sunan Abee Daawud that Asmaa Bint Yazeed has narrated that the prophet (may Allaah send salutations upon him) has said: (do not secretly kill your children).

As for the first narration, it is opposed by two other narrations. Namely, Asmaa Bint Yazeed has narrated that the prophet (may Allaah send salutations upon him) has said: (that is minor infanticide) , and Aboo Sa'eed has narrated he has said: (the Jews have lied). As for his statement: (do not secretly kill your children) , it forbids one to contribute to their death, though literal homicide has not been intended.

If it were unlawful to have sex with a nursing mother, people would know. However, the early believers did not state that this act is forbidden, thus it becomes clear that the narration of Asmaa Bint Yazeed is preventative. In fact, the Arabs would seek women to nurse their young lest they become ill. As a result, the most which could be said is that the act in question is prohibited since it can lead to sickness. However, one may oppose a prohibition of this nature if he is capable of attaining greater benefit in the process.

Chapter

His Ruling Concerning Time Division Amongst Wives

Anas has said: according to the prophetic tradition, when a man marries a virgin, he should spend seven days with her. Thereafter, he should divide his time. Narrated by Al Bukhaaree and Muslim.

Aboo Qilaaba has said: you could say that Anas attributed this narration to the prophet (may Allaah send salutations upon him).

Aboo Ayyoob As Sikhtiyaanee and Aboo Qilaaba have relayed that Anas has narrated that the prophet (may Allaah send salutations upon him) designated seven days for a virgin and three days for a non-virgin. Narrated by Al Bazaar.

Ayyoob, Khaalid Al Hidhaa, and Aboo Qilaaba have relayed that Anas has narrated that the prophet (may Allaah send salutations upon him) has said: (when a man marries a virgin, he spends seven days with her. When a man marries a non-virgin, he spends three days with her). Narrated by Ath Thawree.

Umm Salama has narrated that the messenger of Allaah (may Allaah send salutations upon him) spent three days with her. Narrated by Muslim.

It has been narrated in the Sunan collections that 'Aa'isha has said: the messenger of Allaah (may Allaah send salutations upon him) would divide his time fairly saying: (O Allaah, this is the allocation which I can control, so do not blame me regarding the allocation which only you control). Namely, the heart.

It has been narrated in Al Bukhaaree and Muslim that the prophet (may

Allaah send salutations upon him) would hold a drawing to decide which wife would travel with him. Narrated by Al Bukhaaree and Muslim.

It has been narrated in Al Bukhaaree and Muslim that Sawda gave her day to ‘Aa’isha.

‘Aa’isha has said: the prophet (may Allaah send salutations upon him) was not biased when dividing his time. Narrated by Aboo Daawud.

The following has been narrated in Saheeh Muslim: his wives would gather every evening in the house which he would reside in.

It has been narrated in Al Bukhaaree and Muslim that ‘Aa’isha has said the following concerning this verse: **{if a woman fears that her husband will avoid or mistreat her}** [An Nisaa/128].

[النساء: 128] ﴿وَإِنْ أَمْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا﴾

This verse was revealed concerning a woman who has been with a man for so long that he wishes to divorce her. As a result, she compromises some of her rights to avoid separation, and the most high has said: **{they will not be liable if they reconcile, and reconciliation is good}** [An Nisaa/128].

[النساء: 128] ﴿فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ﴾

‘Alee Bin Abee Taalib ruled that if a man marries a free woman while married to a slave, he should allocate two nights for the former and one night for the latter. Although the judgement of a rightly guided successor is not prophetic, it is equally binding. In fact, Ahmad adopted the ruling of ‘Alee, though Ibn Hazm has declared Al Minhaal Bin ‘Amr and Ibn Abee Layla unreliable. However, they were both eminent memorizers in actuality.

This ruling entails the following:

If a man marries a virgin, he is obliged to spend seven days with her. Thereafter, he must divide his time. However, if she is not a virgin, he may spend seven days with her and may compensate afterward. He may also spend three days without compensating, and this is the majority opinion.

Aboo Haneefa and Ibn Hazm have differed saying: a new wife deserves only what the previous wife deserves, thus time must be equally divided.

If a woman who is not a virgin chooses seven days, the man must compensate while considering the duration of his stay three days. However, this is not the case if she chooses the latter. Based upon this, if one is allowed to stay for three days and exceeds this duration, those three days will be included amongst those which are not excused. Similarly, the prophet (may Allaah send salutations upon him) allowed a muhaajir to remain for three days after performing his rites. As a result, if he were to exceed that period, he would be blamed for his entire stay.

Equal love is not required, because it is uncontrollable. As a result, the prophet (may Allaah send salutations upon him) loved ‘Aa’isha more than

his other wives. In light of this, equal intimacy is not required either, because it is dependant upon love which is controlled by Allaah.

One may not travel with only one of his wives unless he has held a drawing.

One does not compensate upon his return, because the messenger of Allaah (may Allaah send salutations upon him) did not do so.

Three views exist in this regard:

1. One does not compensate regardless of whether or not he held a drawing, and this was the view of Aboo Haneefa and Maalik.

2. One compensates regardless of whether or not he held a drawing, and this was the Dhaahiree view.

3. One compensates if he did not hold a drawing, and this was the view of Ash Shaafi'ee and Ahmad.

A woman may forfeit her night as a gift, but the husband may not allocate it for anyone except the recipient, unless he himself is the recipient.

One may approach all of his wives on a day which is reserved for one of them. However, he may only approach that wife when it is her turn.

All wives may gather in the home of the wife whose turn has come, though each wife must return home once bedtime has come.

When a man is no longer in need of his wife or dislikes her, he may divorce her. He may also do so if he is unable to fulfill his obligations. He may give her the option of forfeiting time division, financial support, and sexual intercourse in order to remain with him, and she may forfeit some of these rights according to their agreement. However, once she is satisfied, she may not request anything else. As for the notion that the wife can become entitled to her rights once again, it is erroneous.

A slave receives $\frac{1}{2}$ the time of a free woman as 'Alee the commander of the faithful has ruled, and it seems that the companions agreed. In fact, most legal scholars shared this view, though it has been narrated that Maalik maintained that there is no difference in this regard, and this was the Dhaahiree opinion. Nevertheless, it is the majority opinion which is just, because Allaah has not made free women and slaves equal in terms of:

divorce

the 'idda period

prescribed punishment

ownership

inheritance

pilgrimage

time division

marriage

In fact, a female slave is married out of necessity, and a male slave cannot marry more women than a free man as most scholars maintain. In

fact, Ahmad has narrated that 'Umar Bin Al Khattaab has said: a slave may marry two women. He declares divorce twice, and his wife observes an 'idda period of two menstrual cycles. Similarly, Aboo Bakr 'Abdul 'Azeez has narrated that 'Alee Bin Abee Taalib has said: a slave may marry only two women.

Ahmad has narrated that Muhammad Bin Seereen has said: 'Umar asked 'Abdur Rahmaan how many women may a slave marry, and he replied: two women, and he declares divorce twice. This was the stance of 'Umar, 'Alee, and 'Abdur Rahmaan, and it does not seem that they were opposed, even though their position was well known.

Chapter

His Ruling Concerning One Who Has Sex With A Woman Whom He Did Not Impregnate

It has been relayed in the Sunan collections that Aboo Sa'eed has narrated that the prophet (may Allaah send salutations upon him) has said: (one may not have sex with a pregnant woman until she delivers, nor may he have sex with a woman who has yet to menstruate).

Chapter

His Ruling Concerning A Man Who Emancipates His Slave As A Dowry

It has been verified in Al Bukhaaree that he emancipated Safiyya as a dowry, and when someone asked Anas what she received, he replied: herself. 'Alee Bin Abee Taalib maintained that this was permissible, and Anas Bin Maalik employed this practice. In fact, it was permitted by Sa'eed Bin Al Musayyib who was the most learned man of his era, and it was also permitted by Aboo Salama Bin 'Abdir Rahmaan, Al Hasan Al Basree, Az Zuhree, Ahmad and Ishaaq.

Chapter

His Ruling Concerning A Marriage Whose Validity Is Contingent Upon Permission

It has been relayed in the Sunan collections that Ibn 'Abbaas has narrated that a virgin slave informed the prophet (may Allaah send salutations upon him) that her father forced her to marry. As a result, the prophet gave her a choice.

Saalih has narrated that Ahmad said the following regarding a child whose uncle forced him to marry: if he is satisfied, his marriage is valid. Otherwise, it is not. 'Abdullaah has narrated that he has said: an orphan is given a choice when she becomes mature. Hanbal has narrated that he said

the following concerning a master who discovers that his slave has married: he may nullify the contract. However, if he grants his consent, then the slave may divorce.

Chapter

His Ruling Concerning Compatibility In Terms Of Marriage

The most high has said: **{O humanity, we have created you from a male and female, and we have made you nations and tribes so that you may become acquainted with one another. The most honorable of you to Allaah are those who are most reverent}** [Al Hujuraat/13].

﴿يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا﴾

﴿إِنْ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتَقَنُّكُمْ﴾ [الحُجُرَات: 13]

The most high has said: **{the believers are brethren}** [Al Hujuraat/10].

﴿إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ﴾ [الحُجُرَات: 10]

The most high has said: **{the believers are allies}** [At Tawba/71].

﴿وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ﴾ [التوبة: 71]

The most high has said: **{their lord responded by saying I do not allow your deeds to go unrewarded}** [Aalu 'Imraan/195].

﴿فَاسْتَجَابَ لَهُمْ رَبُّهُمْ أَنِّي لَا أُضِيعُ عَمَلَ عَمِلٍ مِنْكُمْ مِنْ ذَكَرٍ أَوْ أُنْثَىٰ﴾

﴿بَعْضُكُمْ مِنْ بَعْضٍ﴾ [آل عمران: 195]

The prophet (may Allaah send salutations upon him) has said: (Arabs and non-Arabs and blacks and whites are not better than one another unless they are reverent. Man descends from Aadam, and Aadam was created from dust).

The prophet (may Allaah send salutations upon him) has said: (Aalu Banees so and so are not my allies. My allies are those who are reverent wherever and whoever they may be).

The prophet (may Allaah send salutations upon him) has said: (when someone comes to you whose character and religion are pleasing, allow him to marry. Otherwise, tribulation and iniquity will pervade). Narrated by At Tirmidhee.

The prophet (may Allaah send salutations upon him) joined the following companions in matrimony:

Zayd Bin Haaritha and Zaynab Bint Jahsh

Usama Bin Zayd and Faatima Bint Qays

Bilal Bin Rabaah and the sister of 'Abdur Rahmaan Bin 'Awf

The most high has said: **{good women befit good men and good men befit good women}** [An Noor/26].

﴿وَالطَّيِّبَاتُ لِلطَّيِّبِينَ وَالطَّيِّبُونَ لِلطَّيِّبَاتِ﴾ [النور: 26]

The most high has said: **{marry the women who please you}** [An Nisaa/3].

﴿فَأَنكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ﴾ [النساء: 3]

The ruling of the prophet (may Allaah send salutations upon him) necessitates that one consider religion in terms of compatibility. As a result, a believer does not marry a disbeliever and one who is chaste does not marry one who is unchaste. In reality, the Qur'aan and prophetic tradition do not consider any other factor than religion. Consequently, they forbid that a Muslim marry a fornicater/adulterer, but they do not regard profession, lineage, wealth, or freedom. For this reason, a slave may marry a prominent woman if he is a chaste Muslim. Similarly, one who does not belong to the tribe of Quraysh or Banoo Haashim may marry one who does, and one who is needy may marry one who is wealthy.

Legal scholars have differed concerning compatibility is specific. As a result, Maalik has said: compatibility is based upon religion. However, it has also been narrated that he has said: compatibility is based upon freedom, religion, and the absence of defects.

Aboo Haneefa has said: compatibility is based upon religion and status.

It has been narrated that Ahmad has said: compatibility is based upon religion and status. It has been narrated that he has said: compatibility is based upon religion, lineage, profession, wealth, and freedom. It has been narrated that he has said: Arabs are compatible with one another, and it has been narrated that he has said: only the tribe of Quraysh is compatible with the tribe of Quraysh, and only the tribe of Banoo Haashim is compatible with the tribe of Banoo Haashim.

The companions of Ash Shaafi'ee have said: compatibility is based upon religion, lineage, freedom, profession, and the absence of defects.

As for wealth, some of them consider it, some of them disregard it, and some of them consider it as relates city dwellers. As a result, they do not consider a non-Arab compatible with an Arab. They do not consider a member of the tribe of Quraysh compatible with a non-member of the tribe of Quraysh. They do not consider a member of the tribe of Banoo Haashim compatible with a non-member of the tribe of Banoo Haashim. They do not consider one who is related to eminent religious figures compatible with one who is not. They do not consider one who is a slave compatible with one who is not. They do not consider one who is emancipated compatible with

one who has always been free. They do not consider one whose forefathers were slaves compatible with one whose forefathers were not. They do not consider one with a flaw which could prompt an annulment compatible with one who is flawless in this regard. They do not consider a tradesman compatible with the daughter of a scholar. They do not consider one who is unchaste compatible with one who is virtuous, and they do not consider one who is an innovator compatible with one who follows the prophetic tradition.

Most scholars maintain that compatibility is judged by the the woman and her guardians. However, the companions of Ash Shaafi'ee have said that it is judged by the momentary guardian. Whereas, it has been narrated that Ahmad has said that compatibility is judged by any guardian, thus if a guardian is dissatisfied, he may seek an annulment. It has also been narrated that compatibility is judged by Allaah, thus religion is the only factor. In reality, Ahmad nor any other scholar has said that the marriage of one who is needy and one who is wealthy is invalid, nor have they said that the marriage of one who belongs to the tribe of Quraysh or Banoo Haashim and one who does not is invalid.

We have highlighted this due to the fact that many of our companions narrate the reverse.

Chapter

His Ruling Concerning The Choice Which An Emancipated Slave Is Given

It has been verified in Al Bukhaaree, Muslim, and the Sunan collections that Burayra agreed to buy her freedom from her family. As a result, she came to the prophet (may Allaah send salutations upon him) to inquire about this, so 'Aa'isha said: if your family wishes, I will free you in return for your inheritance. However, her family insisted that they themselves receive it. Consequently, the prophet (may Allaah send salutations upon him) said to 'Aa'isha: (buy her and stipulate that you receive her inheritance, because it belongs to the emancipator). Thereafter, he said the following during a sermon: (how do people impose conditions which are not in the book of Allaah? If one imposes such a condition, it is invalid. The decision of Allaah is utmost and inheritance belongs to the emancipator). He then gave Burayra the choice of remaining married or seeking an annulment. Since she chose the latter, he said: (he is your husband as well as the father of your child). She asked: O messenger of Allaah, are you giving me an order? He replied: (no, I am only an intermediary). She said: I do not need him. He said: (if he approaches you, you will have no choice). He then commanded her to observe an 'idda period and gave her meat as a charity. In fact, he ate some of it and said: (this is charity for her and a gift for us).

This story entails that a woman may buy her freedom and that she may be sold. This was the view of Ahmad. However, Aboo Taalib has narrated that he has said: a master may not have sex with a slave who is buying her freedom. Have you not realized that he is unable to sell her? Although Aboo Haneefa, Maalik, and Ash Shaafi'ee agreed, the prophet (may Allaah send salutations upon him) affirmed that 'Aa'isha could buy Burayra.

More than one person has claimed that the sale of such a slave is lawful due to scholarly consensus. They have also said that it cannot be proven that even one companion forbade this act. Although a narration states that Ibn 'Abbaas ruled as such, there is no isnaad.

Those who forbade the sale of one who is buying his freedom have provided two excuses.

1. Burayra was unable to complete payment. This was the excuse of the companions of Ash Shaafi'ee.

2. Burayra herself was not sold, but rather a debt was outstanding. This was the excuse of the companions of Maalik.

In actuality, it is these two excuses which should be justified. As for the first excuse, the location of this story was undoubtedly Al Madeena, and Al 'Abbaas and his son were present. The payment period was nine years, though Burayra had payed nothing. All agree that Al 'Abbaas and his son settled in Al Madeena after the conquest of Makka, and the prophet (may Allaah send salutations upon him) died more than two years later. As a result, it cannot be said that Burayra was unable to complete payment.

Burayra did not say that she was unable to complete payment, nor did anyone else.

Rather, she said to 'Aa'isha: I have agreed to pay my family one uqiya a year for nine years, and I would like for you to help me.

As for the second excuse, 'Aa'isha bought and emancipated Burayra, and her inheritance belonged to 'Aa'isha without a doubt. There was also an outstanding debt of nine uqiyas which 'Aa'isha payed in full.

Chapter

This story entails that when a female slave is emancipated and her husband is a slave, she is given a choice. However, some narrations state that the husband of Burayra was a slave while others state that he was free. Consequently, Al Qaasim has narrated that 'Aa'isha has said: he was a slave, otherwise Burayra would not have been given a choice. Whereas, 'Urwa has narrated that 'Aa'isha has said: he was free, and Ibn 'Abbaas has said: he was a black slave. The preceding statements are found in Al Bukhaaree, and Aboo Daawud has relayed that 'Urwa has narrated that 'Aa'isha has said: he was a slave of Aalu Abee Ahmad, hence the messenger of Allaah (may Allaah send salutations upon him) gave Burayra

a choice and said: (if he approaches you, you will have no choice).

It has been relayed in the Musnad that 'Aa'isha has narrated that Burayra was married to a slave and that the messenger of Allaah (may Allaah send salutations upon him) said the following once 'Aa'isha emancipated her: (you may remain with this slave, or you may leave him).

It has been narrated in Al Bukhaaree that the husband of Burayra was free.

Most narrations state that he was a slave, and these narrations are most reliable.

Legal scholars agree that a female who is married to a slave is given a choice when she is emancipated. However, they disagree regarding a female slave who is married to a free man.

Maalik, Ash Shaafi'ee, and Ahmad have said: she has no choice. Whereas, Aboo Haneefa and Ahmad according to another narration have said: she has a choice.

Chapter

The prophet (may Allaah send salutations upon him) said: (you could return to him) , so Burayra asked: are you giving me an order? He replied: (no, I am only an intermediary). As a result, she said: I do not need him.

A prophetic command is binding, thus the messenger of Allaah (may Allaah send salutations upon him) said that he was an intermediary.

The messenger of Allaah (may Allaah send salutations upon him) did not become angry when Burayra refused his intercession, because he was not obliged to protect the rights of those whom he interceded for.

Chapter

The prophet (may Allaah send salutations upon him) ate some of the meat which he gave in charity, and he said: (it is charity for her and a gift for us). This proves that one who may not receive charity may receive what was given in charity as a gift, because it has reached the recipient.

Chapter

His Ruling Concerning The Dowry

'Aa'isha has said: the dowry which the prophet (may Allaah send salutations upon him) gave his wives was twelve uqiyas. Narrated by Muslim.

'Umar has said: I am not aware that the messenger of Allaah (may Allaah send salutations upon him) gave a dowry of more than twelve uqiyas. At Tirmidhee has said: an authentic (hasan saheeh) prophetic tradition.

One uqiya equals forty dirhams.

Sahl Bin Sa'd has narrated that the prophet (may Allaah send salutations upon him) said the following to a man: (marry even by giving an iron ring).

Narrated by Al Bukhaaree.

It has been narrated in At Tirmidhee that a woman received sandals as a dowry, so the messenger of Allaah (may Allaah send salutations upon him) asked: (are you satisfied with sandals) ? She replied: yes, so he validated her marriage.

It has been relayed in the Musnad that 'Aa'isha has narrated that the prophet (may Allaah send salutations upon him) has said: (the most blessed marriage is the one which is least expensive).

It has been narrated in Al Bukhaaree and Muslim that a woman came to the prophet (may Allaah send salutations upon him) and said: O messenger of Allaah, I grant you myself. Thereafter, she remained standing for quite some time, so a man said: O messenger of Allaah, give her to me if you have no need for her. As a result, the messenger of Allaah (may Allaah send salutations upon him) asked: (do you have a dowry for her) ? He replied: I only have this izaar of mine, so the messenger of Allaah (may Allaah send salutations upon him) said: (if you were to give her your izaar, you would no longer have one, so search for something). He said: I have not found anything, so he said: (search for an iron ring). However, he did not find anything, so the messenger of Allaah (may Allaah send salutations upon him) asked: (have you memorized any of the Qur'aan) ? He replied: yes, so the messenger of Allaah (may Allaah send salutations upon him) said: (I have joined you in matrimony due to your knowledge of the Qur'aan).

It has been narrated in An Nasaa'ee that Aboo Talha proposed to Umm Saleem who said: by Allaah O Aboo Talha, someone like you is not rejected, though you are a disbeliever, thus I cannot marry you. However, if you embrace Islaam, that will be my dowry. Thaabit has said: we have not heard of a woman whose dowry was more honorable than the dowry of Umm Saleem.

One may deduce the following:

There is no minimum dowry.

An item such as an iron ring may be called a dowry.

An extravagant dowry is disliked.

If a woman is satisfied with the Qur'aan as a dowry, her marriage is valid, and the benefit which she derives from it is her gift. Similarly, a master may emancipate a slave as a dowry, and the freedom which she enjoys is her gift. In fact, the dowry was intended to benefit the recipient. Consequently, a dowry such as the Qur'aan is most virtuous when accepted.

Umm Saleem chose to benefit from the conversion of Aboo Talha, and this was dearer to her than wealth.

Some such as Aboo Haneefa have opposed the aforementioned prophetic traditions by saying: a dowry may only be wealth. Similarly, Maalik has said that the dowry may not be less than three dirhams and Aboo Haneefa

has said that it may not be less than ten dirhams.

Some claim that the aforementioned prophetic traditions are exclusive. Some claim that they are abrogated, and some claim that they are at variance with the practices of the people of Al Madeena. However, the master of the people of Al Madeena Sa'eed Bin Al Musayyib allowed his daughter to marry for a dowry of two dirhams, and he was not criticized. In fact, he was praised. In addition, 'Abdur Rahmaan Bin 'Awf gave a dowry of five dirhams, and the prophet (may Allaah send salutations upon him) approved.

Chapter

His Ruling Concerning Defects

It has been relayed in the Musnad of Ahmad that Yazeed Bin Ka'b has narrated that the messenger of Allaah (may Allaah send salutations upon him) married a woman of Banoo Ghifaar. However, when he sat on the bed, he noticed that her thigh was white. As a result, he leaped from the bed and said: (take your clothes). However, he did not take any of what he had given her.

It has been narrated in the Muwatta that 'Umar has said: if a woman who suffers from leprosy or insanity is given in marriage, she may retain the dowry for what the husband has enjoyed, and the one who deceived him is obliged to return it.

The following wording has also been narrated: 'Umar ruled that a consummated marriage should be annulled if the wife suffers from leprosy or insanity, and that she may retain the dowry for what the husband has enjoyed, and that the guardian is obliged to return it.

The following have stated that impotence leads to an annulment:

'Umar

'Uthmaan

'Abdullaah Bin Mas'ood

Samura Bin Jundub

Mu'aawiya Bin Abee Sufyaan

Al Haarith Bin 'Abdillaah Bin Abee Rabee'a

Al Mugheera Bin Shu'ba

However, 'Umar, Ibn Mas'ood, and Al Mugheera allowed a one year reprieve, and Al Haarith Bin 'Abdillaah granted a ten month reprieve, though 'Uthmaan, Mu'aawiya, and Samura did not grant any reprieve.

Sa'eed Bin Mansoor has said: we have been informed that Ibn Seereen has narrated that 'Umar Bin Al Khattaab sent forth a man who married a woman, though he was sterile. As a result, 'Umar asked: did you inform your wife that you are sterile? He replied: no, so he said: do so, then give her a choice.

An insane person is granted a one year reprieve, thus if he does not

recover within that period, his marriage is null.

Legal scholars have differed in this regard, thus Daawud, Ibn Hazm, and others have said: a marriage is never annulled due to a flaw. Aboo Haneefa has said: a marriage is annulled when a man is impotent or without a penis. Maalik and Ash Shaafi'ee have said: a marriage is annulled due to leprosy and insanity, and also when penetration is unachievable or when a man is impotent or without a penis.

Some of the companions of Ash Shaafi'ee maintain that the defects which make a slave unacceptable make a free woman unacceptable as well.

There are some who only accept certain flaws while rejecting other flaws which are similar or more severe, and this is a horrible deception.

Analogy proves that if a spouse finds a defect repulsive, he is given a choice. In fact, he deserves to choose even more than one who purchases an item. In addition, the conditions of a marital contract should be observed even more than the conditions of a sales contract.

Yahya Bin Sa'eed Al Ansaaree has narrated that Ibn Al Musayyib has said: 'Umar has said: if a man marries a woman and discovers that she suffers from leprosy or insanity, she may retain the dowry for what her husband has enjoyed, and the guardian is obliged to return it for what he has concealed.

As for those who claim that Ibn Al Musayyib did not hear from 'Umar, they are at variance with scholars of prophetic tradition. Ahmad has asked: if what Sa'eed Bin Al Musayyib has narrated via 'Umar is unacceptable, then what is acceptable? In addition, scholars rely upon the statements of Sa'eed Bin Al Musayyib, so what about his narrations via 'Umar? In fact, 'Abdullaah Bin 'Umar would correspond with Sa'eed to inquire about the decisions of 'Umar so that he could rule as such, though scholars did not criticize the narrations of Sa'eed Bin Al Musayyib via 'Umar.

Ash Shu'ba has narrated the following: if a woman suffers from leprosy, insanity, or a defect which prevents penetration, her husband is given a choice, provided the marriage has not been consummated. Otherwise, the wife may retain the dowry for what her husband has enjoyed.

Wakee', Sufyaan Ath Thawree, Yahya Bin Sa'eed, and Sa'eed Bin Al Musayyib have narrated that 'Umar has said: a woman who suffers from blindness or leprosy may retain the dowry if the marriage has been consummated, and the one who deceived the husband is obliged to return it.

This indicates that there are defects other than those which 'Umar mentioned, and Ma'mar and Ayyoob have narrated that Ibn Seereen has said: a man said to Shurayh: they said to me: we will join you with the best of people. Thereafter, they brought me an ill woman. As a result, Shurayh said: if the defect was concealed, the marriage is null. Narrated by 'Abdur Razzaaq.

Reflect upon the statement: "if the defect was concealed", because it necessitates that any concealed defect warrants an annulment.

Az Zuhree has said: a marriage may be nullified due to any severe ailment.

If one were to reflect upon the rulings of the early believers, he would realize that they did not specify defects which warrant an annulment. However, it has been narrated that 'Umar has said: women can only be rejected due to the following defects: insanity, leprosy, and vaginal ailments. The only isnaad that we are aware of in this regard is: Asbagh, Ibn Wahb, and 'Umar. 'Alee has also relayed a similar narration via Ibn 'Abbaas, though it applies to a man who has not stipulated the absence of defects.

A defective wife may retain the dowry if the marriage has been consummated, otherwise she may not. Once the marriage has been consummated, the guardian is obliged to return the dowry if he was deceptive. Whereas, if the wife was deceptive, she may not receive the dowry. However, she is obliged to return it if she has received it, and this was the view of Ahmad.

The companions of Ahmad have said: if a woman stipulates a characteristic and the opposite appears, she is not given a choice unless she has stipulated freedom. However, the approach of Ahmad necessitates that there is no difference between the proviso of a man and a woman. In fact, a woman deserves a choice even moreso when she is no longer able to attain what she is seeking, because she cannot divorce. In addition, if the husband can request an annulment when he is able to request a divorce, then a woman should definitely be able to do so when she is unable to request a divorce. Furthermore, if she may request an annulment if the profession of her husband is lowly, she should definitely be able to do so if she cannot attain pleasure.

How could a spouse request an annulment due to a tiny spot of leprosy and not be able to do so due to scabies and other ailments?

If the prophet (may Allaah send salutations upon him) forbade that a merchant conceal a defective item, then what about a defective spouse? In fact, when Faatima Bint Qays consulted the prophet (may Allaah send salutations upon him) concerning Mu'aawiya and Aboo Jahm, he said: (as for Mu'aawiya, he has no wealth. As for Aboo Jahm, he does not put down his rod).

Aboo Muhammad Ibn Hazm maintained that a marriage is null if the husband demanded an unblemished spouse and did not receive that. He said: because she is not the woman whom he married.

Ibn Habeeb has said in *Al Waadiha*: when 'Alee Bin Abee Taalib and Faatima sought the judgement of the prophet (may Allaah send salutations

upon him) , he ruled that Faatima do household work and that 'Alee do outdoor work.

It has been narrated in Al Bukhaaree and Muslim that Faatima came to the prophet (may Allaah send salutations upon him) seeking a servant, though she did not find one. As a result, she informed 'Aa'isha who informed the messenger of Allaah (may Allaah send salutations upon him). 'Alee said: he said: (be seated) , then he sat between us and asked: (shall I inform of you of something which is better than what you have requested? At bedtime, utter the tasbeeh thirty-three times, utter the tahmeed thirty-three times, and utter the takbeer thirty-four times). 'Alee said: and I continue to do so.

Legal scholars have differed in this regard, thus some of them hold that a wife must maintain the home. However, Aboo Thawr has said: a wife must offer all types of service. Conversely, Aboo Haneefa, Maalik, Ash Shaafi'ee, and Dhaahiree scholars maintained that a wife is not obliged to serve her husband at all. They have said: because a marital contract necessitates enjoyment and not service. They have also said: prophetic traditions in this regard indicate that service is voluntary and is an act of good character, so it could not be obligatory.

Those who oblige a woman to serve her husband have asserted that this is the goodness which Allaah has mentioned in the Qur'aan, and they say that it is evil for a man to maintain the home. Allaah the most high has said: **{men are the sustainers of women}** [An Nisaa/34].

[النساء:34] ﴿الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ﴾

As a result, if husbands served wives, women would be the sustainers of men.

A dowry is given in return for gratification, and both spouses achieve their objective. Rather, Allaah the glorified has ordered the husband to sustain the wife due to the service and enjoyment which he receives.

An unrestricted contract is subject to custom, and it is customary that women maintain the home. However, some have said that Faatima and Asmaa provided service voluntary, though Faatima complained, and the prophet (may Allaah send salutations upon him) did not say to 'Alee: it is you and not her who must serve. In fact, he approved of wives serving husbands, although he knew that some of them did so unwillingly.

No distinction may be made between women who are noble and women who are lowly, because the most noble of women Faatima complained that she needed a servant, but the prophet (may Allaah send salutations upon him) was indifferent. In fact, he has said: (be reverent concerning women, because they are your captives) , and some of the early believers used to say: marriage is slavery, so be mindful of he who enslaves your daughter.

Chapter

The Ruling Of The Messenger Of Allaah Concerning Marital Discord

Aboo Daawud has relayed that ‘Aa’isha has narrated that Habeeba Bint Sahl was beaten by Thaabit Bin Qays. As a result, she came to the prophet (may Allaah send salutations upon him) after the dawn prayer, and he said to Thaabit: (take some of her wealth and part with her). He said: I gave her two gardens as a dowry, so the prophet (may Allaah send salutations upon him) said: (take them and part with her).

Allaah the most high has issued the following ruling concerning marital discord: **{if you fear division, send an arbitrator from his family and an arbitrator from her family. If they desire reconciliation, Allaah will aid them, and he indeed knows everything}** [An Nisaa/35].

﴿وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَأَبْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا﴾

[النساء: 35] ﴿إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا﴾

Latter and present day scholars have differed concerning the two intermediaries. Are they arbitrators or guardians?

The two intermediaries are guardians according to Aboo Haneefa and Ash Shaafi’ee, and Ahmad according to one narration.

The two intermediaries are arbitrators according to Maalik, and Ahmad according to one narration, and Ash Shaafi’ee once maintained this view, and it is correct.

It is astonishing that someone could say that the two intermediaries are guardians and not arbitrators. In reality, if the they were guardians, Allaah would have said: send a guardian from his family and a guardian from her family.

If the two intermediaries were guardians, it would not be specified that they be relatives.

Allaah has allowed arbitrators to judge, and he has said: **{if they desire reconciliation, Allaah will aid them}**.

﴿إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا﴾ [النساء: 35]

Whereas, guardians follow instructions.

A guardian is not referred to as an arbitrator in the language of the Qur’aan.

An arbitrator is authorized to judge unlike a guardian.

The noun hakam (arbitrator) is more profound than the noun haakim, so if latter noun cannot be used to describe a guardian, then how could the former noun be used to describe a guardian?

'Uthmaan Bin 'Affaan sent 'Abdullaah Bin 'Abbaas and Mu'aawiya as arbitrators to 'Aqeel Bin Abee Taalib and his wife Faatima Bin 'Utba Bin Rabee'a, and he said: if you feel that you should separate them, then do so.

'Alee Bin Abee Taalib said the following to two arbitrators: if you feel that you should separate them, you must do so, and if you feel that you must unite them, you must do so.

'Uthmaan, 'Alee, Ibn 'Abbaas, and Mu'aawiya allowed two arbitrators to judge, and it does not seem that any of the companions disagreed with them. Rather, a discrepancy did not appear until the next generation, and Allaah knows best.

The Ruling Of The Messenger of Allaah (May Allaah Send Salutations Upon Him) Concerning Khula'

It has been relayed in Saheeh Al Bukhaaree that Ibn 'Abbaas has narrated that the wife of Thaabit Bin Qays came to the prophet (may Allaah send salutations upon him) and said: O messenger of Allaah, I do not criticize the religion or character of Thaabit Bin Qays, though I detest disbelief. As a result, the messenger of Allaah (may Allaah send salutations upon him) asked: (will you relinquish his garden) ? She replied: yes, so he said: (accept the garden and divorce her once).

It has been relayed in Sunan An Nasaa'ee that Ar Rabee' has narrated that Thaabit Bin Qays broke his wife's hand, namely Jameela Bint 'Abdillaah Bin Ubayy. Consequently, her brother complained to the messenger of Allaah (may Allaah send salutations upon him) , so he sent Thaabit the following message: (take what you gave her and let her go). Thereafter, he commanded Jameela to await her next menstrual cycle and to join her family.

It has been relayed in Sunan Abee Daawud that Ibn 'Abbaas has narrated that the wife of Thaabit Bin Qays separated from him. As a result, the prophet (may Allaah send salutations upon him) commanded her to observe an 'idda period of one menstrual cycle.

The following has been narrated in Sunan Ad Daaraqutnee: as a result, the prophet (may Allaah send salutations upon him) asked: (will you relinquish the garden which he gave you) ? She replied: yes, and then some. Consequently, he said: (relinquish the garden only). Thereafter, he let her go, and once Thaabit became aware of this, he said: she has accepted the decision of the messenger of Allaah (may Allaah send salutations upon him).

Ad Daaraqutnee has said: the isnaad is sound.

This prophetic ruling entails the following rulings:

Khula' is permissible as the Qur'aan has indicated, and the most high has said: **{you may not take any of what you have given them unless you fear that the law of Allaah will not be applied}** [Al Baqara/229].

﴿وَلَا يَحِلُّ لَكُمْ أَنْ تَأْخُذُوا مِمَّا آتَيْتُمُوهُنَّ سَيِّئًا إِلَّا أَنْ يَخَافَا أَلَّا يُعْصِيََا حُدُودَ اللَّهِ فَإِنْ خِفْتُمْ أَلَّا يُعْصِيََا حُدُودَ اللَّهِ

﴿فَلَا جُنَاحَ عَلَيْهِمَا فِيهَا أَفَدَّتْ يَدُ﴾ [البقرة: 229]

Some have prohibited khula', though in doing so they have opposed scholarly consensus.

The aforementioned verse proves that khula' is absolutely permissible when sanctioned by an authority figure.

The aforementioned verse indicates that khula' is baa'in, because the glorified has referred to it as a ransom. In addition, the statement: **{they will not be liable for her ransom}** [Al Baqara/229].

﴿فَلَا جُنَاحَ عَلَيْهِمَا فِيهَا أَفَدَّتْ يَدُ﴾ [البقرة: 229]

Indicates that a ransom is lawful no matter how significant or insignificant it may be. This statement also indicates that one may take more than what he has given.

Ma'mar and 'Abdullaah Bin Muhammad Bin 'Aqeel have relayed that Ar Rabee' has narrated that she separated from her husband with all of her possessions. As a result, the arbitration of 'Uthmaan Bin 'Affaan was sought, and he approved. However, he commanded the husband to take her braids and lesser items. Narrated by 'Abdur Razzaaq.

Ibn Jurayj, Moosa Bin 'Uqba, and Naafi' have relayed that Ibn 'Umar has narrated that a slave of his wife separated from her husband with all of her possessions. Narrated by 'Abdur Razzaaq.

Ma'mar, Layth, and Al Hakam Bin Utayba have narrated that 'Alee Bin Abee Taalib has said: a man may not take more than what he has given.

Taawoos has said: a man may not take more than what he has given.

'Ataa has said: if the man takes more than what he has given, it is returned.

Az Zuhree has said: a man may not take more than what he has given.

Al Awzaa'ee has said: judges would not allow a man to take more than what he gave.

Those who have allowed a man to take more than what he has given have relied upon the Qur'aan and statements of the companions. Whereas, those who have forbade this have relied upon the narration of Aboo Az Zubayr which states that the prophet (may Allaah send salutations upon him) asked the wife of Thaabit Bin Qays: (will you relinquish his garden)? She replied: yes, and then some. Consequently, the prophet (may Allaah send salutations upon him) said: (relinquish the garden only). Ad Daaraqutnee has said: Az Zubayr has heard this from more than one person and the isnaad is sound.

They have said: companions have narrated that the matter in question is lawful, unlawful, and disliked. As a result, Wakee' has relayed that Aboo

Haneefa, 'Ammar Bin 'Imraan Al Hamdaanee, and his father have narrated that 'Alee has said that it is disliked for a man to take more than what he has given. Ahmad also ruled as such, though Aboo Bakr who was one of his companions ruled that what is taken in excess is returned.

Ibn Jurayj has said: 'Ataa said to me: a woman came to the messenger of Allaah (may Allaah send salutations upon him) and said: O messenger of Allaah, I detest my husband and wish to part with him. As a result, he asked: (will you relinquish the garden which he has given you)? She replied: yes, and a portion of my wealth. Consequently, he said: (relinquish the garden only). Narrated by 'Abdur Razzaaq.

Chapter

Khula' Has Been Referred To As A Ransom

The glorified has referred to khula' as a ransom which indicates that it is an exchange. For this reason, the consent of both spouses is considered. However, the following question arises: may khula' be rescinded during the 'idda period? Aboo Haneefa, Maalik, Ash Shaafi'ee, and Ahmad have ruled that khula' is baa'in.

Ma'mar and Qataada have narrated that Sa'eed Bin Al Musayyib has said that the dowry may be returned during the 'idda period if the husband wishes to retain his wife. Narrated by 'Abdur Razzaaq.

Az Zuhree also ruled as such.

Qataada has said: the husband cannot regain his wife without a sermon.

The position of Sa'eed Bin Al Musayyib and Az Zuhree reflects an acute understanding which agrees with legal theory. However, common practice is at variance. Nevertheless, a woman is confined during the 'idda period, thus khula' may be rescinded. However, once the 'idda period has elapsed, the wife becomes foreign. As a result, the man must propose like any other man.

Chapter

Understanding The Ruling Which States That A Woman Observes An 'Idda Period Of One Menstrual Cycle Due To Khula'

The prophet (may Allaah send salutations upon him) enjoined that a woman observe an 'idda period of one menstrual cycle due to khula', and his ruling entails the following:

One menstrual cycle is sufficient, and this was the view of the commander of the faithful 'Uthmaan Bin 'Affaan and 'Abdullaah Bin 'Umar Bin Al Khattaab. Al Layth Bin Sa'd has narrated that Naafi' the slave of Ibn 'Umar heard Ar Rubayyi' inform 'Abdullaah Bin 'Umar how she

separated from her husband during the rule of 'Uthmaan Bin 'Affaan. Namely, her uncle came to him and said: Ar Rubayyi' separated from her husband today, so must she re-locate? He replied: she must re-locate and she may not re-marry until one menstrual cycle has elapsed lest she be pregnant.

This was the view of Ishaq Bin Raahawayh, and Ahmad according to one narration, and it was the choice of our teacher Shaykhul Islaam Ibn Taymiyya.

Those who defend this view have said: legal theory necessitates this, because the 'idda period has been made three menstrual cycles to give the wife enough time to return. Otherwise, the intent is to confirm that she has not conceived, and this could be done upon one menstrual cycle.

This proves that khula' is an annulment and not a divorce, and this was the view of Ibn 'Abbaas, 'Uthmaan, and Ibn 'Umar. In fact, there is not one authentic statement of a companion which indicates that khula' is divorce. Whereas, Yahya Bin Sa'eed, Sufyaan, 'Amr, and Taawoos have narrated that Ibn 'Abbaas has said: khula' is separation and not divorce. Narrated by Ahmad.

Sufyaan, 'Amr, and Taawoos have narrated that Ibraaheem Bin Sa'd Bin Abee Waqqaas asked Ibn 'Abbaas if a man could marry a woman whom he divorced twice before khula'. He replied: yes, Allaah mentioned divorce at the beginning and end of the verse. Whereas, he mentioned khula' in the middle of the verse. Narrated by 'Abdur Razzaaq.

One may say: Hishaam Bin 'Urwa, his father, and Jamhaan have narrated that Umm Bakra Al Aslamiyya was married to 'Abdullaah Bin Usayd before separating from him. Thereafter, they were remorseful, so they sought the arbitration of 'Uthmaan Bin 'Affaan who said: khula' occurs once. Narrated by Al Bayhaqee.

Ibn Abee Shayba has mentioned that 'Alee Bin Haashim, Ibn Abee Layla, Talha Bin Musrif, Ibraaheem An Nakha'ee, and 'Alqama have narrated that Ibn Mas'ood has said: one divorce is only baa'in when a ransom is given or when one swears to avoid his wife.

The response: the athar of 'Uthmaan was criticized by Ahmad, Al Bayhaqee, and others. Our teacher has asked: how could this be a statement of 'Uthmaan when he maintained that khula' does not have an 'idda period? Rather, he maintained that one menstrual cycle could confirm that a woman had not conceived. Consequently, had he believed that khula' was divorce, he would have enjoined the 'idda period. As for the narrator Jamhaan, all we know is that he was a slave of the Aslamiyyoon. As for the athar of 'Alee, Ibn Hazm has said: we have narrated it with an unreliable isnaad. As for the athar of Ibn Mas'ood, Ibn Abee Layla had a bad memory. However, even if

the athar of Ibn Mas'ood were authentic, it would indicate at best that khula' is baa'in, though it would not indicate that khula' is a baa'in divorce.

There are three rulings which apply to divorce that do not apply to khula'.

1. The husband is most entitled to the return of his wife.
2. Once three pronouncements have been made, the husband cannot re-marry the wife until she consummates a marriage with another man.
3. The 'idda period is three quroo. Whereas, khula' has been proven baa'in by scholarly consensus. In addition, prophetic tradition proves that the 'idda period is one menstrual cycle, and textual evidence proves that khula' is permissible after two pronouncements of divorce. Evidently, khula' is not divorce, because Allaah the glorified has said: **{divorce is twice...}** [Al Baqara/229].

﴿الطَّلَاقُ مَرَّتَانٍ﴾ [البقرة: 229]

However, this verse does not apply to a divorced woman in specific.

Allaah has said: **{once he has divorced her, she is unlawful for him}** [Al Baqara/229].

﴿فَإِنْ طَلَّقَهَا فَلَا تَحِلُّ لَهُ مِنْ بَعْدُ﴾ [البقرة: 230]

This applies to a woman who has been divorced twice as well as a woman who has given a ransom. This was the deduction of the interpreter of the Qur'aan whom the messenger of Allaah (may Allaah send salutations upon him) supplicated for, and Allaah undoubtedly answered his prayer by teaching Ibn 'Abbaas the exegesis of the Qur'aan.

Since the laws of ransom and the laws of divorce are different, the former and latter are not within the same category, and textual evidence, analogy, and the statements of the companions necessitate this. In addition, those who look at the objectives of a contract as opposed to the wording consider khula' an annulment, and this was the choice of our teacher.

The prophet (may Allaah send salutations upon him) ordered Thaabit Bin Qays to divorce his wife once, and he ordered her to observe an 'idda period of one menstrual cycle. This states that khula' is an annulment, even if it is referred to as a divorce.

The glorified has applied the rulings of ransom to khula', and it is well known that ransom is not confined to wording. In addition, a divorce of ransom is a restricted divorce which does not share the same laws as an unrestricted divorce. As a result, the former is baa'in and does not have an 'idda period of three quroo as the prophetic tradition has proven, and success lies with Allaah.

The Rulings Of The Messenger Of Allaah (May Allaah Send Salutations

Upon Him) Concerning Divorce

It has been relayed in the Sunan collections that Aboo Hurayra has narrated that the prophet (may Allaah send salutations upon him) has said: (jest is taken seriously in marriage and divorce).

It has been relayed in the Sunan collections that Ibn ‘Abbaas has narrated that the prophet (may Allaah send salutations upon him) has said: (Allaah pardons my people when they are mistaken, forgetful, or coerced).

It has been relayed in the Sunan collections that Ibn ‘Abbaas has narrated that the prophet (may Allaah send salutations upon him) has said: (one cannot divorce or emancipate when angry).

The prophet (may Allaah send salutations upon him) asked a man who committed adultery: (are you insane) ?

The prophet (may Allaah send salutations upon him) asked ‘Umar: (do you not know that a person is excused when he is insane, immature, or at rest) ? Narrated by Al Bukhaaree.

It has been narrated in Al Bukhaaree that the prophet (may Allaah send salutations upon him) has said: (Allaah excuses my people for thoughts which are undisclosed and unrealized).

These prophetic traditions entail that an intended emancipation or divorce etc. which is undisclosed is not binding, and this is the majority opinion. However, two other views exist.

1. Some do not maintain a stance, and ‘Abdur Razzaaq has narrated that Ma’mar has said: Ibn Seereen was questioned about a man who intends divorce asking: is not Allaah aware of what one intends? He replied: he certainly is, thus I do not maintain a stance.

2. Some maintain that an intended divorce or emancipation etc. is binding when one is definite, and it has been narrated that this was the view of Maalik and Az Zuhree. This position is supported by the following statement of the prophet (may Allaah send salutations upon him) : (actions are judged by intentions).

If one harbors disbelief, he is a disbeliever according to the following statement of the most high: **{whether you reveal or conceal what lies within, you will be called to account}** [Al Baqara/248].

﴿وَأَن تَبْدُوا مَا فِي أَنفُسِكُمْ أَوْ تُخْفُوهُ يُحَاسِبْكُمْ بِهِ اللَّهُ﴾ [البقرة: 284]

Actions of the heart are like actions of the limbs in terms of reward and punishment. For this reason, one is rewarded for loving and hating etc. for the sake of Allaah and is punished for being jealous and envious etc.

This does not at all prove that an intended divorce or emancipation etc. is binding without an utterance. As for the statement of the prophet (may Allaah send salutations upon him) : (actions are judged by intentions) , it

actually refutes the second position, because it states that both actions and intentions are considered. As for one who harbors disbelief, he is a disbeliever, because faith is the conviction of the heart as well as an affirmation. As a result, once this conviction no longer exists, disbelief ensues, because once faith has left the heart, it is replaced by an opposing entity. Similarly, once knowledge is lost, ignorance ensues, and this applies to all opposites.

As for the verse, it indicates that a slave will be called to account for what he reveals and conceals and that he will be punished or forgiven. However, this verse does not indicate that an intended divorce or emancipation etc. is binding. As for one who was determined to sin though did not, he may be blameless or even rewarded if he desisted for the sake of Allaah.

As for the statement that actions of the heart are like actions of the limbs in terms of reward and punishment, it is accurate. However, the matter in question is unrelated. Rather, there are actions of the heart which warrant punishment like actions of the limbs since they negate servitude. Namely, it is unlawful for a heart to harbor arrogance and conceit for example, and since these sins are avoidable, they incur punishment.

These prophetic traditions entail that jest is taken seriously in marriage and divorce when one is legally responsible. This indicates that the speech of a joking person is considered, even though the speech of one who is asleep, insane, or coerced is not.

One who is joking intends a wording and not a ruling, but the consequences are beyond his control. What is considered in this case is voluntary intent, legal responsibility, and sound mind. Whereas, seriousness is immaterial. Conversely, one who has lost his mind has no intent and is not liable. Rather, he speaks randomly and insensibly like an infant.

There is a difference between one who intends a wording and one who does not, and there are four levels in this regard:

1. Some intend a ruling without speech.
2. Some do not intend a wording nor a ruling.
3. Some intend a wording and not a ruling.
4. Some intend both a wording and a ruling.

Scenario one and two cannot be considered unlike scenario three and four. In light of this, the speech of one who is coerced is disregarded. In fact, the Qur'aan has indicated that if one is forced to utter words of infidelity, he is not a disbeliever. Similarly, if one is forced to accept Islaam, he is not a Muslim. The prophetic tradition indicates that Allaah the glorified excuses a person under duress in terms of speech. As for actions, a distinction has been made. Namely, one is pardoned for doing what is excused under duress, such as eating during the day in Ramadaan, being

active during prayer, wearing sewn garments during ihraam, etc.

If one does what is not excused under duress such as killing an innocent person, he is liable. However, there is a discrepancy concerning acts such as theft, hence those who maintain that these acts are not excused under duress apply punishment. Whereas, those who maintain the opposite do not, and both positions have been attributed to Ahmad.

The difference between statements and actions in this regard is that the detriment of an action is permanent. Whereas, the detriment of a statement is not permanent unless one is consenting and aware of his speech. Wakee' has relayed that Ibn Abee Layla and Al Hakam Bin Utayba have narrated that Khaythama Bin 'Abdir Rahmaan has said: a wife said to her husband: name me, so he named her the gazelle. She said: I did not say anything. He said: give me a name, so she said: name me free. He said: you are free. Consequently, she came to 'Umar Bin Al Khatthaab and said: my husband has divorced me, then her husband told 'Umar the story. Thereafter, 'Umar hit her in the head, then he said to her husband: take her hand and hit her in the head.

The commander of the faithful ruled that there could be no divorce since the husband did not intend to relinquish his wife. Similarly, if one said that his female slave was free meaning chaste, she would not be emancipated. One may say: you have designated four categories, and it is clear that the aforementioned individual is not coerced, insane, or joking, nor does he intend a ruling, so in which category would you place him?

This individual speaks intending one of two meanings, thus he is judged according to his intent. It has been narrated that the prophet (may Allaah send salutations upon him) asked Rakaana the following when he divorced his wife: (what was your intent) ? He replied: one divorce. He said: (it is as you intended). As a result, he judged him according to his intent since his speech implied more than one meaning. Maalik has said: if one says: you are divorced intending to swear and recants, his wife is not divorced, because he did not intend to relinquish her. This was the view of Al Layth Bin Sa'd and Ahmad.

Three scenarios exist:

1. When one does not want his oath to take effect and recants, he has not sworn and there is no divorce.

2. When one intends merely to swear saying: you are divorced, he means if the wife performs a particular action.

3. When one intends to swear from the outset though recants while speaking and effects divorce, there is no divorce, because it is not intended.

The most high has said: **{Allaah does not hold you liable for an oath which is inadvertent or inaccurate. Rather, he holds you liable for what you have intended}** [Al Baqara/225].

﴿لَا يُؤَاخِذُكُمُ اللَّهُ بِاللَّغْوِ فِي أَيْمَانِكُمْ وَلَكِنْ يُؤَاخِذُكُمْ بِمَا كَسَبْتُمْ قُلُوبَكُمْ﴾ [البقرة: 225]

‘Alee would not validate a divorce of coercion, and Thaabit Al A’raj has said: I questioned Ibn ‘Umar and Ibn Az Zubayr regarding a divorce of coercion and both of the replied: it is invalid.

One may say: Al Ghaazee Bin Jabla and Safwaan Bin ‘Imraan Al Asamm have relayed that a companion of the messenger of Allaah (may Allaah send salutations upon him) has narrated that a man’s wife sat on his chest, held a knife to his throat, and said: divorce me or I shall slaughter you. As a result, he began pleading for his life, though she did not compromise, so he divorced her three times. When he informed the prophet (may Allaah send salutations upon him) of this, he said: (a divorce may not be rescinded). Narrated by Sa’eed Bin Mansoor.

‘Ataa Bin ‘Ajlaan, ‘Ikrima, and Ibn ‘Abbaas have narrated that the prophet (may Allaah send salutations upon him) has said: (a divorce is only invalid if one is mentally ill).

Farj Bin Fudaala and ‘Amr Bin Sharaaheel have narrated that a woman placed a sword at her husband’s stomach and said: by Allaah, I shall stab you if you do not divorce me. As a result, he divorced her three times, and ‘Umar validated her divorce.

‘Alee has said: a divorce is only invalid if one is mentally ill.

The response: as for the narration of Al Ghaazee Bin Jabla, Aboo Muhammad Ibn Hazm has said: this narration is completely unreliable.

As for the following narration: (a divorce is only invalid if one is mentally ill) , it is well known that ‘Ataa Bin ‘Ajlaan is weak, and he has been accused of lying. Aboo Muhammad Bin Hazm has said: this narration is worse than the previous narration.

As for the athar of ‘Umar, a reliable narration states the opposite. In addition, ‘Amr Bin Sharaaheel is not known to have been a contemporary of ‘Umar, and Farj Bin Fudaala is weak.

As for the athar of ‘Alee, ‘Abdur Rahmaan Bin Mahdee, Hamaad Bin Salama, Hameed, and Al Hasan have narrated that ‘Alee Bin Abee Taalib would not validate a divorce of coercion.

Chapter

The Divorce Of An Intoxicated Man

As for the divorce of an intoxicated man, the most high has said: **{O you who believe, do not approach prayer while you are intoxicated and unaware of your speech} [An Nisaa/43].**

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقْرَبُوا الصَّلَاةَ وَأَنْتُمْ سُكَرَىٰ حَتَّى تَعْلَمُوا مَا تَقُولُونَ﴾ [النساء: 43]

As a result, the words of an intoxicated man are not considered, because

he does not know what he is saying.

‘Uthmaan Bin ‘Affaan has said: one who is insane or intoxicated cannot divorce.

‘Ataa has said: the divorce of an intoxicated man is invalid.

Ibn Taawoos has narrated that his father has said: the divorce of an intoxicated man is invalid.

Al Qaasim Bin Muhammad has said: the divorce of an intoxicated man is invalid.

‘Umar Bin ‘Abdil ‘Azeez obliged an intoxicated man to swear by Allaah that he was not of sound mind when he divorced his wife, and he did. As a result, his wife was returned to him and he was punished.

This position was maintained by:

Yahya Bin Sa’eed Al Ansaaree

Hameed Bin ‘Abdir Rahmaan

Rabee’a

Al Layth Bin Sa’d

‘Abdullaah Bin Al Hasan

Ishaaq Bin Raahawayh

Aboo Thawr

Ash Shaafi’ee

Ahmad

Al Maymoonee has narrated that Ahmad has said: I once maintained that the divorce of an intoxicated man is valid, but then I realized that it is not since his confession is inadmissible. However, I do hold him liable. Aboo Bakr ‘Abdul ‘Azeez has said: I also rule as such, and this was the view of the Hanafee and Dhaahiree legal school as well as the choice of Aboo Ja’far At Tahaawee and Aboo Al Hasan Al Karkhee.

As for those who validate the divorce of an intoxicated man, their reasoning is:

1. An intoxicated man is legally responsible, thus he is liable.
2. The divorce of an intoxicated man is validated as a punishment.
3. Since a ruling is linked to cause, intoxication is immaterial.
4. The companions did not distinguish between the speech of an intoxicated man and a sober man. They have said: when a person becomes intoxicated, his speech is incoherent, and one whose speech is incoherent is slanderous, and a slanderer receives eighty lashes.

5. (a divorce is irrevocable).

6. (a divorce is only invalid if one is mentally ill).

7. The companions validated the divorce of an intoxicated man, and Aboo ‘Ubayd has said: Yazeed Bin Haaron, Jareer Bin Haazim, Az Zubayr Bin Al Haarith, and Aboo Labeed have narrated that an intoxicated man divorced his wife. As a result, he was brought to ‘Umar Bin Al Khattaab

and four women testified against him. Thereafter, 'Umar validated his divorce.

Ibn Abee Maryam, Naafi' Bin Yazeed, Ja'far Bin Rabee'a, Ibn Shihaab, and Sa'eed Bin Al Musayyib have narrated that Mu'aawiya validated the divorce of an intoxicated man.

This is their entire defense, though it is not conclusive.

1. It is erroneous to assert that an intoxicated man is legally responsible, because scholarly consensus proves that sound mind is a prerequisite of legal responsibility, thus one who does not know what he is saying is not legally responsible.

If an intoxicated man were legally responsible, his divorce would be valid if he was forced to drink or was unaware of what he consumed. However, this is not their stance.

As for liability, it is a matter of discrepancy. Consequently, it has been said that an intoxicated man can only be punished for intoxication.

As for those who only consider the actions of an intoxicated man, they have made two distinctions:

If the actions of an intoxicated man were disregarded, legal retaliation would be suspended, and Ahmad has said: some who invalidate the divorce of an intoxicated man wrongfully claim that he is like someone mentally ill.

It is not detrimental to disregard the statements of an intoxicated man, because a statement of his is harmless in contrast to an action. Rather, the harm of such an action cannot be disregarded when it is actual.

2. It is erroneous to assert that the divorce of an intoxicated man is validated as a punishment, because the prescribed punishment is sufficient.

3. It is erroneous to assert that the divorce of an intoxicated man is valid because a ruling is linked to cause. If this were true, then the divorce of a man who is mentally ill or whose intoxication is forced or accidental would also be valid. In fact, the divorce of a man who is asleep would be valid as well. One should ask: have you verified that the divorce of an intoxicated man is a cause so that a ruling may be linked to it?

4. As for the narration which states that the companions have said: when a person becomes intoxicated, his speech is incoherent..., it is absolutely unreliable.

Aboo Muhammad Bin Hazm has said: this narration is a lie, it is also contradictory. It states that one whose speech is incoherent is punishment, but there is no prescribed punishment for such a person.

5. The narration: (a divorce may not be rescinded) is unreliable. However, even if it were reliable, it would apply to the divorce of one who is sane and legally responsible.

6. The narration: (a divorce is only invalid if one is mentally ill) is unreliable. In addition, some have claimed that this narration includes an

intoxicated man since he has lost his mind.

7. The companions differed concerning the divorce of an intoxicated man, and the athar of 'Uthmaan is authentic.

As for the athar of Ibn 'Abbaas, it is not authentic, because it has been narrated in one instance via Al Hajjaaj Bin Art'a, and it has been narrated in another instance via Ibraaheem Bin Abee Yahya. As for Ibn 'Umar and Mu'aawiya, they were opposed by 'Uthmaan Bin 'Affaan.

Chapter

A Divorce Of Anger

'Aa'isha has said: I have heard the prophet (may Allaah send salutations upon him) say: (one cannot divorce or emancipate when angry). Narrated by Aboo Daawud.

Aboo 'Ubayd and others have said that it is a marriage of coercion which is intended. Some have said that it is a divorce of insanity which is intended, and some have said that three pronouncements of divorce at once are intended.

Our teacher has said: in reality, it is one who does not mean or realize what he is saying who is intended.

Our teacher has also said that one who is coercive or insane is included.

Anger is divided into three categories:

1. When anger makes one unaware of what he is saying, a divorce is invalid.
2. When anger does not prevent one from meaning or realizing what he is saying, a divorce is valid.
3. When anger causes partial loss of mind and subsequent regret, it is quite likely that a divorce is invalid.

The Ruling Of The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Concerning Pre-Marital Divorce

'Amr Bin Shu'ayb and his father have narrated that his grandfather has said: (there can be no vow, emancipation, or divorce without possession). At Tirmidhee has said: this is an authentic (hasan) prophetic tradition, and it is the most reliable narration in this regard. I asked Muhammad Bin Ismaa'eel which narration is most reliable concerning pre-marital divorce, and he replied: the narration of 'Amr Bin Shu'ayb, his father, and his grandfather.

Aboo Daawud has narrated the following: (there can be no sale or vow without possession).

Al Miswar Bin Mukhrima has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (divorce cannot precede marriage and emancipation cannot precede ownership).

Wakee' has said: Ibn Abee Dhi'b, Muhammad Bin Al Munkadir, 'Ataa Bin Abee Rabaah, and Jaabir Bin 'Abdillaah have narrated that the prophet

(may Allaah send salutations upon him) have said: (there is no divorce before marriage).

Ibn Jurayj has said: I have heard 'Ataa say: Ibn 'Abbaas has said: there is no divorce until one has married. Narrated by 'Abdur Razzaaq.

Ibn Jareer has said: Ibn 'Abbaas was informed that Ibn Mas'ood says: a pre-marital divorce is valid. As a result, he said: he is mistaken, because Allaah has said: **{once you have married and divorced believing women}**.

﴿إِذَا نَكَحْتُمُ الْمُؤْمِنَاتِ ثُمَّ طَلَقْتُمُوهُنَّ﴾ [الأحزاب: 49]

Though he did not say: once you have divorced and married believing women.

Aboo 'Ubayd has mentioned that 'Alee Bin Abee Taalib was questioned concerning a man who says: if I marry so and so, she is divorced. He replied: there is no divorce without possession.

He has also said: there is no divorce before marriage, and this was the stance of 'Aa'isha, Ash Shaafi'ee, Ahmad, Ishaq, and Daawud.

The Prohibition Of The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Concerning Divorce During Menstruation And Childbed

His Prohibition Concerning Three Simultaneous Pronouncements Of Divorce

It has been narrated in Al Bukhaaree and Muslim that Ibn 'Umar divorced his wife while she was menstruating. As a result, 'Umar Bin Al Khattaab questioned the messenger of Allaah (may Allaah send salutations upon him) about his action, and he replied: (command him to regain her. Once an additional menstrual cycle has elapsed, he may divorce her, though he may not have sex with her. This is the 'idda period which Allaah has enjoined).

Muslim has narrated the following: (command him to regain her, then he may divorce her if she is pure or pregnant).

The following has also been narrated: (he may divorce her once she is pure without having sex with her. This is the 'idda period which Allaah the most high has enjoined).

Al Bukhaaree has narrated the following: (command him to regain her and to divorce her).

Aboo Daawud, An Nasaa'ee, and Ahmad have narrated that 'Abdullaah Bin 'Umar divorced his wife while she was menstruating. As a result, the messenger of Allaah (may Allaah send salutations upon him) returned her to him and said: (once she is pure, you may retain her or divorce her). Ibn 'Umar has said: the messenger of Allaah (may Allaah send salutations upon him) recited the following: **{O prophet, when you divorce, do so at the onset of the 'idda period}** [At Talaq/1].

﴿يَا أَيُّهَا النَّبِيُّ إِذَا طَلَقْتُمُ النِّسَاءَ فَطَلِقُوهُنَّ﴾ [الطلاق:1]

This ruling entails that there are four facets of divorce, two of which are lawful and two of which are unlawful.

1. One may divorce his wife while she is pure without having sex with her, and he may also do so while she is pregnant.

2. One may not divorce his wife while she is menstruating, nor may he do so while she is pure if he has had sex with her.

As for one who has not had sex with his wife, he may divorce her whether she is pure or impure, and the most high has said: **{you will be not liable when divorcing women if you have not touched them or have not designated a dowry}** [Al Baqara/236].

﴿لَا جُنَاحَ عَلَيْكُمْ إِنْ طَلَقْتُمُ النِّسَاءَ مَا لَمْ تَمْسُوهُنَّ أَوْ تَقْرُضُوا لَهُنَّ فَرِيضَةً﴾ [البقرة:236]

The most high has said: **{O you who believe, when you divorce believing women whom you have not touched, there is no 'idda period}** [Al Ahzaab/49].

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نَكَحْتُمُ الْمُؤْمِنَاتِ ثُمَّ طَلَقْتُمُوهُنَّ مِنْ قَبْلِ أَنْ تَمْسُوهُنَّ فَمَا لَكُمْ عَلَيْهِنَّ مِنْ عَدُوٍّ

تَعْدُونَهُنَّ﴾ [الأحزاب:49]

It has been narrated in Sunan An Nasaa'ee and elsewhere that Mahmood Bin Labeed has said: the messenger of Allaah (may Allaah send salutations upon him) was informed of a man who divorced his wife three times in one instance. As a result, he rose in anger and asked: (is he playing with the book of Allaah in my presence) ? !Thereafter, a man stood and asked: shall I kill him O messenger of Allaah?

It has been narrated in Al Bukhaaree and Muslim that Ibn 'Umar was questioned concerning divorce and replied: if you have divorced your wife once or twice, the messenger of Allaah (may Allaah send salutations upon him) has enjoined this. However, if you have done so three times, your wife is unlawful for you.

These texts entail that a divorced woman is one of two types, namely she either has or has not had sex with her husband. Whatever the case may be, three simultaneous pronouncements of divorce are unlawful. As for a woman who has not had sex with her husband, she may be divorced whether she is pure or impure.

As for a woman who has had sex with her husband, she may not be divorced during menstruation or childbed.

If she is pregnant, she may be divorced before or after sex.

This is the divorce which Allaah has legislated. As for unlawful divorce, it occurs during menstruation. Otherwise, it occurs after sexual intercourse. It is also pronounced three times simultaneously.

People continue to differ concerning the validity of unlawful divorce, and those who claim that it is valid according to scholarly consensus are mistaken. In fact, Ahmad has said: a claim of scholarly consensus is false, because one cannot be sure that there is no discrepancy.

Aboo Muhammad Bin Hazm has said: it is astonishing that one could have the audacity to claim that this divorce is valid according to scholarly consensus. The only support which they have found is a statement which has been attributed to Ibn 'Umar. However, it is at variance with more reliable narrations.

Those who invalidate this divorce have said: a marriage can only be invalidated with legal evidence.

They have said: legal evidence proves that this divorce is invalid, because it has not been legislated.

This divorce is unlawful, and a prohibition necessitates invalidity.

The legislator has forbade this divorce because he detests it.

If an unlawful marriage is invalid due to a prohibition, then what separates it from divorce? How could you invalidate an unlawful action in terms of marriage and fail to do so in terms of divorce? Rather, a prohibition necessitates invalidity in both instances.

There is a general ruling of the messenger of Allaah (may Allaah send salutations upon him) which has not been specified. Namely, an action which is at variance with his practice is rejected, and 'Aa'isha has narrated that the prophet (may Allaah send salutations upon him) has said: (every action which is at variance with our practice is rejected) (the action of one who opposes our practice is rejected). This states that this divorce which is at variance with the practice of the prophet (may Allaah send salutations upon him) is invalid, so how could one say that it is binding?

This is a divorce which has never been legislated. Similarly, one cannot divorce a woman whom he has not married.

Allaah the glorified has enjoined that one kindly relinquish his wife, though it is evil to do so while opposing Allaah and his messenger. Whereas, an unlawful divorce is a completely different matter, thus it is not considered.

Allaah the most high has said: **{O prophet, when you divorce, do so at the onset of the 'idda period}** [At Talaaq/1].

﴿يَا أَيُّهَا النَّبِيُّ إِذَا طَلَقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِمَدَّتِ﴾ [الطلاق:1]

The prophet (may Allaah send salutations upon him) who clarifies the speech of Allaah has said that a lawful divorce occurs during purity before sexual intercourse or upon pregnancy. Otherwise, a divorce would not occur within the 'idda period, thus it would not be valid. Consequently, the wife would remain lawful.

The most high has said: **{divorce is twice}** [Al Baqara/229] , though he meant during the 'idda period. As a result, one may deduce that any other form of divorce is invalid. For this reason, the companions used to say that they could not judge an unlawful divorce.

Ibn Jurayj has said: Aboo Az Zubayr informed me that he heard 'Abdur Rahmaan Bin Ayman question Ibn 'Umar. He said: I heard him ask: what do you say regarding a man who divorces his wife during menstruation? Ibn 'Umar divorced his wife during menstruation, so 'Umar questioned the messenger of Allaah (may Allaah send salutations upon him) concerning his action. Thereafter, 'Abdullaah said: he returned her to me and said: (once she is pure you may retain her or divorce her). He then recited the following: **{O prophet, when you divorce, do so at the onset of the 'idda period}** [At Talaaq/1].

﴿يَا أَيُّهَا النَّبِيُّ إِذَا طَلَقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ﴾ [الطلاق:1]

Narrated by Aboo Daawud with a reliable sanad.

Those who validate the divorce in question say: you have invalidated the most prevalent form of divorce and have opposed the majority of the companions. The most high has said: **{if one has divorced his wife, she will not be lawful for him until she marries another man}** [Al Baqara/230].

﴿فَإِنْ طَلَّقَهَا فَلَا تَحِلُّ لَهُ مِنْ بَعْدُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ﴾ [البقرة:230]

This entails every divorce, and Allaah has said: **{divorced women observe a waiting period of three quroo'}** [Al Baqara/228].

﴿وَالْمُطَلَّقَاتُ يَرْجِعْنَ إِلَىٰ أَنْفُسِهِنَّ ثَلَاثَ قُرُوءٍ﴾ [البقرة:228]

He has also said: **{divorce is twice}** [Al Baqara/229].

﴿الطَّلَاقُ مَرَّتَانٍ﴾ [البقرة:229]

{There is a stipend for divorced women} [Al Baqara/241].

﴿وَالْمُطَلَّقَاتُ مَتَّعٌ﴾ [البقرة:241]

These verses are general and cannot be specified without legal evidence.

As for the narration of Ibn 'Umar, it proves that an unlawful divorce is valid in the following ways:

1. Ibn 'Umar has said: so I regained her and my divorce was calculated as one.
2. How could one believe that Ibn 'Umar could oppose the messenger of Allaah (may Allaah send salutations upon him) by validating his divorce?
3. When Ibn 'Umar was asked: is this divorce calculated? He replied that it would be calculated even if one were an idiot.
4. Ibn 'Umar asked: what would prevent me from calculating it?

Ibn 'Umar maintained that a divorce is calculated during menstruation, and he was most familiar with the story and was most devoted to the prophetic tradition.

Ibn Wahb has relayed that Naafi' has narrated that Ibn 'Umar divorced his wife while she was menstruating. As a result, 'Umar questioned the messenger of Allaah (may Allaah send salutations upon him) concerning his action, and he replied: (command him to regain her. Once an additional menstrual cycle has elapsed, he may divorce her, though he may not have sex with her. This is the 'idda period which Allaah has enjoined).

Hamaad Bin Zayd and 'Abdul 'Azeez Bin Suhayb have narrated that Anas has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (if one divorces in an innovative manner, his innovation is binding).

It has already been mentioned that 'Uthmaan Bin 'Affaan and Zayd Bin Thaabit ruled that the divorce in question is valid.

Although the divorce in question is unlawful, it is still effectual like dhihaar.

Ibn 'Umar has said: she will not be lawful for you until she marries another man, and you have defied your lord. Consequently, he validated the divorce of a man who disobeyed Allaah.

Similarly, slander is unlawful, but there are repercussions.

The difference between an unlawful marriage and an unlawful divorce is that marriage is a contract which entails the lawful possession of a woman. As a result, a marriage must be legal, because women are essentially forbidden. However, this possession is relinquished upon divorce, but the cause is not subject to law. Similarly, ownership can be lost when an affirmation is false.

Faith is the foundation of every contract, though the best contract can be nullified by unlawful speech if it entails disbelief. As a result, a marital contract should also be nullified by an unlawful divorce.

Although a divorce of jest is unlawful, it is valid, because the miraculous signs of Allaah may not be taken lightly. In fact, the prophet (may Allaah send salutations upon him) has asked: (why do people take the miraculous signs of Allaah lightly by saying I divorce you, I regain you)? As a result, if a divorce of jest could be valid, then a divorce of resolve could definitely be valid.

There is another difference between an unlawful marriage and an unlawful divorce. Namely, marriage is a blessing, thus it cannot become lawful through prohibited means. Whereas, divorce is a misfortune, hence the cause may be unlawful.

One may enter a marriage with resolve and exit with uncertainty, hence the former and latter are not akin.

It has been said past and present that a divorce is one of two types, i. e. prophetic and innovative.

Those who invalidate the divorce in question say:

1. There is no way to verify the scholarly consensus which you have mentioned. In fact, it is known not to exist.
2. Although an opinion may be predominant, it may also be incorrect. Furthermore, a majority opinion is not conclusive.
3. Unrestricted texts do not include unlawful divorce.

As for your claim that texts include unlawful divorce, we ask: what would you say about someone who claims that texts include unlawful commerce and marriage?

As for the narration of Ibn 'Umar, it actually refutes your claim for the following reasons:

1. Ibn 'Umar said: so he returned her to me, and this statement is authentic, explicit, and irrefutable.
2. 'Ubaydullaah and Naafi' have narrated that Ibn 'Umar has said the following concerning a man who divorces his wife while she is menstruating: it is not calculated.
3. Ibn 'Umar has made various statements in this regard which proves that he was not aware of a prophetic text which validates the divorce in question.

You ask: how could Ibn 'Umar rule that the divorce in question is valid when he knew that the messenger of Allaah (may Allaah send salutations upon him) returned his wife to him?

The response: Ibn 'Umar was not the only one who opposed a prophetic tradition which he narrated. Ibn 'Abbaas relayed the narration of Burayra which states that the sale of a female slave is not a divorce, though the ruling of Ibn 'Abbaas was contrary. As a result, the people accepted his narration and rejected his ruling which is the correct approach.

As for the narration of Naafi' which states that the divorce of 'Abdullaah was calculated, it is not known whether it was 'Abdullaah himself, his father 'Umar, or the messenger of Allaah (may Allaah send salutations upon him) who did so. Furthermore, Ibn 'Umar stated that the messenger of Allaah (may Allaah send salutations upon him) returned his wife to him.

As for the following narration: (if one divorces in an innovative manner, his innovation is binding) , it has not been narrated by the trustworthy companions of Hamaad Bin Zayd. Rather, it has been narrated by Ismaa'eel Bin Umayya Adh Dhaari' The Liar. The following narrator is 'Abdul Baaqee Bin Qaani' who Al Barqaanee and others declared weak, and he was inaccurate during the final stage of his life. Ad Daaraqutnee has said: he often makes mistakes.

As for the ruling of ‘Uthmaan Bin ‘Affaan and Zayd Bin Thaabit that the divorce in question is valid, the athar of ‘Uthmaan has been relayed by a liar and an unknown narrator, and the athar of Zayd has been relayed by two unknown narrators.

As for your statement: although the divorce in question is unlawful, it is still effectual like dhihaar, the texts which we have mentioned refute your analogy.

Dhihaar does not have two facets, i. e. lawful dhihaar and unlawful dhihaar. Rather, dhihaar is entirely forbidden, because it is evil. Consequently, it cannot be divided as such. In reality, it is similar to apostacy in that it is always accompanied by detriment, so a lawful category is erroneous. However, this does not apply to marriage, commerce, and divorce.

As for your statement: marriage is a contract which entails the lawful possession of a woman..., can you prove that marriage and divorce differ such that the former is binding unlike the latter?

As for your claim that ownership can be lost when an affirmation is false, it is not plausible, because we would accept an affirmation which is apparently true even if it is actually false.

As for the fact that faith is nullified due to speech which entails disbelief, it has already been mentioned that disbelief is not lawful and unlawful.

As for a divorce of jest, the repercussions are inevitable once separation is effected. As for one who does not divorce at the appropriate time, he has not pursued the cause which effects separation. Rather, he has pursued his own cause and not the cause which Allaah the glorified has designated.

As for your statement: marriage is a blessing, thus it cannot become lawful through prohibited means..., divorce can release one from bondage, so it can be a great blessing. Allaah the most high has said: **{you will not be liable for divorcing women whom you have not touched}** [Al Baqara/236].

﴿لَا جُنَاحَ عَلَيْكُمْ إِنْ طَلَقْتُمُ النِّسَاءَ مَا لَمْ تَمْسُوهُنَّ﴾ [البقرة: 236]

{O prophet, when you divorce, do so at the onset of the ‘idda period} [At Talaq/1].

﴿يَا أَيُّهَا النَّبِيُّ إِذَا طَلَقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ﴾ [الطلاق: 1]

As a result, divorce is not a misfortune.

As for your statement: one may enter a marriage with resolve and exit with uncertainty..., one can only depart by pursuing the cause which Allaah has designated.

Chapter

His Ruling Concerning One Who Divorces Three Times With One Statement

Mahmood Bin Labeed has narrated that the messenger of Allaah (may Allaah send salutations upon him) was informed of a man who divorced his wife three times simultaneously. As a result, he rose in anger and asked: (is he playing with the book of Allaah in my presence) ?

It has been narrated in Saheeh Muslim that Ibn ‘Umar said the following to one who divorced his wife three times simultaneously: she will not be lawful for you until she marries another man, and you have disobeyed your lord. This is an explanation of a legal divorce, and the explanation of a companion is conclusive. In fact, Al Haakim has said: we consider it prophetic.

If one were to aptly reflect on the Qur’aan, he would realize that Allaah has not legislated three simultaneous pronouncements of divorce.

The most high has said: **{divorce is twice}** [Al Baqara/229] .

﴿الطَّلَاقُ مَرَّتَانٍ﴾ [البقرة: 229]

{Divorced women observe a waiting period of three quroo’} [Al Baqara/228].

﴿وَالْمُطَلَّقَاتُ يَرْجِعْنَ إِلَىٰ أَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ﴾ [البقرة: 228]

{O prophet, when you divorce, do so at the onset of the ‘idda period} [At Talaaq/1].

﴿يَا أَيُّهَا النَّبِيُّ إِذَا طَلَقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ﴾ [الطلاق: 1]

{as the ‘idda period concludes, kindly retain them or kindly divorce them} [At Talaaq/2].

﴿فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ أَوْ فَارِقُوهُنَّ بِمَعْرُوفٍ﴾ [الطلاق: 2]

Allaah the glorified and most high has mentioned every category of divorce and the rulings which apply. Namely, he has mentioned:

divorce before sex

There is no ‘idda period in this case.

the third divorce

A woman does not become lawful until she marries another man in this case.

the divorce of ransom, i. e. khula’

the raj’ee divorce

Ash Shaafi’ee, Ahmad, and others have asserted that if one says: you are divorced a baa’in divorce, the divorce is raj’ee. Whereas, Aboo Haneefa has

said: the divorce is baa'in, because one may forfeit a raj'ee divorce. However, the majority says: although one may forfeit such a divorce, the stipend remains obligatory.

The 'idda period was unknown during the age of ignorance, thus one would divorce his wife and regain her whenever he pleased. Although this was beneficial for men, it was harmful for women. As a result, Allaah abrogated this practice. Instead, he legislated the 'idda period where a husband could regain his wife. This was advantageous for men since women would not be unlawful upon the first divorce, and it was advantageous for women since it did not exceed three intervals.

One cannot effect a baa'in divorce with one pronouncement, nor can he do so with three simultaneous pronouncements, because both actions are at variance with the law.

Allaah has only declared divorce baa'in in two instances:

when the husband has not had sex with the wife

when a third pronouncement of divorced has been reached

Otherwise, a husband may regain his wife. This was the stance of Ash Shaafi'ee, Ahmad, and others, and they have said: khula' is the only instance where a baa'in divorce can be effected with less than three pronouncements.

The companions of Maalik have said the following concerning one who says: you are divorced a baa'in divorce:

1. Al Maajishoon has said that this is a baa'in divorce, because the husband has forfeited a raj'ee divorce.

2. Ibn Al Qaasim has said that this a baa'in divorce, because the husband can effect such a divorce with compensation, and Ibn Al Qaasim considered khula' divorce.

3. Ibn Wahb has said that this is a raj'ee divorce, and legal evidence necessitates this. This is also the majority opinion.

Chapter

Three Simultaneous Pronouncements Of Divorce

As for the second issue, namely that a divorce can become baa'in in one instance, four views exist.

1. Aboo Haneefa, Maalik, Ash Shaafi'ee, and Ahmad maintained that this divorce is valid. In fact, this is the majority opinion.

2. Ibn Hazm maintained that this divorce is invalid, because it is innovative. However, Ahmad has said: this is the stance of the Raafida. Nevertheless, the prophet (may Allaah send salutations upon him) has said: (the action of one who opposes our practice is rejected).

3. Ibn 'Abbaas maintained that this divorce is raj'ee, and this was the view of Taawoos, 'Ikrima, and our teacher Shaykhul Islaam Ibn Taymiyya.

4. Some companions of Ibn 'Abbaas maintained that this divorce is

baa'in if the husband has had sex with the wife, and this was the view of Isha'q Bin Raahawayh.

As for those who invalidated this divorce, they asserted that it is innovative and that innovation is rejected. Although this was the stance of Ibn Hazm, he adopted the view of Ash Shaafi'ee which states that three simultaneous pronouncements of divorce are lawful.

As for those who considered this divorce raj'ee, they have relied upon text and analogy. As for text, Ibn Jurayj has relayed that Ibn Taawoos and his father have narrated that Aboo As Sahbaa asked Ibn 'Abbaas: do you not know that three simultaneous pronouncements of divorce were considered one during the era of the messenger of Allaah (may Allaah send salutations upon him), Aboo Bakr, and 'Umar? He replied: yes. Narrated by Muslim.

'Ikrima has narrated that 'Abdullaah Bin 'Abbaas has said: Rakaana Bin 'Abdi Yazeed divorced his wife three times in one sitting. As a result, he became grief stricken, so the messenger of Allaah (may Allaah send salutations upon him) asked: (how did you divorce her)? He replied: I divorced her three times. He asked: (in one sitting)? He replied: yes, so he said: (this is actually one divorce, so you may regain your wife if you please). Consequently, Ibn 'Abbaas maintained that one should divorce within intervals of purity. Narrated by Ahmad.

As for analogy, it has already been mentioned that three simultaneous pronouncements of divorce are innovative and that innovation is rejected, because it opposes the prophetic tradition.

This group says: the following verses are sufficient: **{then he must swear by Allaah four times}** [An Noor/6].

﴿فَشَهَادَةُ أَحَدِهِمْ أَرْبَعُ شَهَادَاتٍ بِاللَّهِ﴾ [النور:6]

{Her punishment will be waived if she swears by Allaah four times} [An Noor/8].

﴿وَيَذَرُهَا الْعَذَابَ أَنْ تَشْهَدَ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ﴾ [النور:8]

In addition, the prophet (may Allaah send salutations upon him) has said: (you may swear fifty times...).

If a people swore fifty times that one killed another, their oath would be considered a single declaration. Similarly, it has been narrated that some companions said to Maa'iz: if you confess four times, the messenger of Allaah (may Allaah send salutations upon him) will stone you. However, it is inconceivable that Maa'iz would do so in one breath.

As for those who distinguish between a woman who has had sex with her husband and one who has not, their evidence is as follows:

1. Aboo Daawud has relayed that Taawoos has narrated that a man named Aboo As Sahbaa questioned Ibn 'Abbaas quite often. He asked: do

you not know that during the era of the messenger of Allaah (may Allaah send salutations upon him) , Aboo Bakr, and 'Umar three simultaneous pronouncements of divorce were considered one if the husband did not have sex with his wife?

2. 'Umar ruled that three simultaneous pronouncements of divorce are baa'in, and this group has applied this narration to a wife who has had sex with her husband. Whereas, they apply the narration of Aboo As Sahbaa to a wife who has not had sex with her husband. As a result, they are in complete accord with text and analogy.

Conversely, Ash Shaafi'ee, Ahmad, Aboo Thawr, and a group of Dhaahiree scholars have said that three simultaneous pronouncements of divorce are prophetic. They have asserted that the most high has said: **{if he divorces her, she will not be lawful for him until she marries another man}** [Al Baqara/230].

﴿ فَإِنْ طَلَّقَهَا فَلَا يَحِلُّ لَهُ مِنْ بَعْدُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ ﴾ [البقرة: 230]

Without differentiating between three simultaneous pronouncements of divorce and three intermittent pronouncements of divorce.

They have said: we cannot separate what Allaah has combined, nor can we combine what he has separated.

The most high has said: **{if you have divorced them before you have touched them}** [Al Baqara/237].

﴿ وَإِنْ طَلَقْتُمُوهُنَّ مِنْ قَبْلِ أَنْ تَمْسُوهُنَّ ﴾ [البقرة: 237]

{you will not be liable if you divorce women whom you have not touched} [Al Baqara/236].

﴿ لَا جُنَاحَ عَلَيْكُمْ إِنْ طَلَقْتُمُ النِّسَاءَ مَا لَمْ تَمْسُوهُنَّ ﴾ [البقرة: 236]

{there is a stipend for divorced women} [Al Baqara/241].

﴿ وَالْمُطَلَّقَاتُ مَتَّعٌ بِالْمَعْرُوفِ ﴾ [البقرة: 241]

{O you who believe, when you divorce believing women whom you have not touched} [Al Ahzaab/49].

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نَكَحْتُمُ الْمُؤْمِنَاتِ ثُمَّ طَلَقْتُمُوهُنَّ مِنْ قَبْلِ أَنْ تَمْسُوهُنَّ ﴾ [الأحزاب: 49]

However, Allaah has not differentiated between three simultaneous pronouncements of divorce and three intermittent pronouncements of divorce.

They have said: it has been narrated in Al Bukhaaree and Muslim that 'Uwaymir Al 'Ajlaanee divorced his wife three times without cessation in the presence of the messenger of Allaah (may Allaah send salutations upon him). However, had he been sinful, the messenger of Allaah (may Allaah

send salutations upon him) would not have approved.

Al Qaasim Bin Muhammad has relayed that 'Aa'isha has narrated that a man divorced his wife three times. Thereafter, she re-married and became divorced, so someone asked the messenger of Allaah (may Allaah send salutations upon him) : is she lawful for the first husband? He replied: (no, not until the second husband tastes of her like the first husband). Consequently, this indicates that three simultaneous pronouncements of divorce are lawful and valid, because the prophet (may Allaah send salutations upon him) did not object. Narrated by Al Bukhaaree.

Aboo Salama Bin 'Abdir Rahmaan has narrated that Faatima Bint Qays informed him that her husband Aboo Hafs Bin Al Mugheera Al Makhzoomee divorced her three times without cessation before traveling to Yemen. As a result, Khaalid Bin Al Waleed and others came to the messenger of Allaah (may Allaah send salutations upon him) and said: Aboo Hafs divorced his wife three times without cessation, so is there a stipend for her? He said: (there is no stipend for her, though she must observe the 'idda period). Narrated by Al Bukhaaree and Muslim.

It has been narrated in Saheeh Muslim that Faatima said: so I came to the messenger of Allaah (may Allaah send salutations upon him) and he asked: (how many times did he divorce you) ? I replied: three times, so he said: (there is no stipend for you).

It has been narrated that the prophet (may Allaah send salutations upon him) has said the following concerning a woman who has been divorced three times without cessation: (there is no housing or stipend for her).

Ibraaheem Bin 'Ubaydillaah Bin 'Ubaada Bin As Saamit has narrated that Daawud Bin 'Ubaada Bin As Saamit has said: my grandfather divorced one of his wives a thousand times, so my father informed the prophet (may Allaah send salutations upon him) who said: (your grandfather has not revered Allaah. He is entitled to three pronouncements of divorce, but nine hundred and ninety-seven pronouncements of divorce are unjust. However, Allaah may forgive him if he pleases).

Ibraaheem Bin 'Ubaydillaah Bin 'Ubaada Bin As Saamit and his father have narrated that his grandfather has said: my grandfather divorced his wife, so his sons went to the messenger of Allaah (may Allaah send salutations upon him) and said: O messenger of Allaah, our father has divorced our mother 1000 times. Is there a solution? He replied: (your grandfather has not revered Allaah to be offered a solution. His divorce was baa'in upon the third pronouncement, though it was not prophetic. As for the remaining nine hundred and ninety-seven pronouncements, he is sinful).

'Ataa Al Khurasaanee has narrated that Al Hasan has said: 'Abdullaah Bin 'Umar divorced his wife while she was menstruating. Thereafter, he wished to do so two more times. Once the messenger of Allaah (may Allaah

send salutations upon him) became aware of this, he said: (O Ibn ‘Umar, this is not what Allaah has enjoined. You have not followed the prophetic tradition).

Aboo Daawud has narrated that Rakaana Ibn ‘Abdi Yazeed divorced his wife a baa’in divorce. Once the messenger of Allaah (may Allaah send salutations upon him) became aware of this, he asked: (do you swear that you only intended one divorce) ? He replied: I swear that I only intended one divorce. As a result, the messenger of Allaah (may Allaah send salutations upon him) returned his wife and he divorced her a second time during the era of ‘Umar and a third time during the era of ‘Uthmaan.

It has been relayed in At Tirmidhee that ‘Abdullaah Bin Yazeed Bin Rakaana and his father have narrated that his grandfather divorced his wife a baa’in divorce. As a result, the messenger of Allaah (may Allaah send salutations upon him) asked: (what did you intend) ? He replied: one divorce. He asked: (do you swear) ? He replied: I swear. He said: (it is as you intended).

As for those who have invalidated three simultaneous pronouncements of divorce, they have said: the most high has said: **{if you disagree, turn to Allaah and his messenger}** [An Nisaa/59].

[59:النساء] فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ ﴿٥٩﴾

Since we disagree with you concerning the divorce in question, we say:

There is a definite discrepancy in this regard, but the evidence which indicates that the divorce in question is prohibited proves you wrong.

You have claimed that the Qur’aan indicates that three simultaneous pronouncements of divorce are permissible, but this is erroneous. The wording which you have relied upon is unrestricted and does not entail lawful and unlawful divorce. Similarly, it does not include a woman who is menstruating or one who has had sex with her husband. Rather, the Qur’aan indicates the rulings of divorce, and the one who clarified the intent of Allaah has illustrated what is lawful and prohibited in this regard.

‘Aa’isha has narrated that that a man divorced his wife three times. Thereafter, she re-married and became divorced, so someone asked the messenger of Allaah (may Allaah send salutations upon him) : is she lawful for the first husband? He replied: (no, not until the second husband tastes of her like the first husband).

We do not dispute this prophetic tradition. It indeed refutes those who accept the mere contract of the second husband, though it does not indicate that the three aforementioned pronouncements of divorce were simultaneous.

Ibraaheem Bin ‘Ubaydillaah Bin ‘Ubaada Bin As Saamit and his father have narrated that his grandfather has said: my grandfather divorced his

wife, so his sons went to the messenger of Allaah (may Allaah send salutations upon him) and said: O messenger of Allaah, our father has divorced our mother 1000 times. Is there a solution? He replied: (your grandfather has not revered Allaah to be offered a solution. His divorce was baa'in upon the third pronouncement, though it was not prophetic. As for the remaining nine hundred and ninety-seven pronouncements, he is sinful).

The sanad of this narration contains Yahya Bin Al 'Alaa, 'Ubaydullaah Bin Al Waleed, and Ibraaheem Bin 'Ubaydillaah who are all unreliable. In addition, not one athar can be found which states that the father of 'Ubaada Bin As Saamit accepted Islaam, so how could his grandfather have done so?

Aboo Daawud has narrated that Rakaana Ibn 'Abdi Yazeed divorced his wife a baa'in divorce. Once the messenger of Allaah (may Allaah send salutations upon him) became aware of this, he asked: (do you swear that you only intended one divorce) ? He replied: I swear that I only intended one divorce. As a result, the messenger of Allaah (may Allaah send salutations upon him) returned his wife and he divorced her a second time during the era of 'Umar and a third time during the era of 'Uthmaan.

The imaam of prophetic tradition Muhammad Bin Ismaa'eel Al Bukhaaree has declared this narration unreliable (mudtarib) , and so has At Tirmidhee. Namely, it states that there were three pronouncements of divorce, though it also states that there was one pronouncement of divorce.

The Ruling Of The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Concerning A Slave Who Divorces His Wife Twice Before Being Emancipated

It has been relayed in the Sunan collections that Aboo Al Hasan questioned Ibn 'Abbaas regarding a slave who divorced his wife twice before being emancipated. Namely, he asked if he would have to propose to her, and Ibn 'Abbaas replied: yes, the messenger of Allaah (may Allaah send salutations upon him) ruled as such.

If a slave is emancipated, he may divorce his wife three times. However, four views exist regarding a slave who has already divorced his wife twice.

1. The wife remains unlawful until she re-marries, and this applies to a free woman as well. This was the view of Ash Shaafi'ee and Ahmad.

2. The wife is unlawful upon the second divorce since her husband is a slave. However, if he is emancipated during the 'idda period, he may divorce a third time. Otherwise, the wife is lawful even if she does not consummate a subsequent marriage. This was the view of Ahmad according to another narration, and it was also the view of Ibn 'Abbaas.

3. The husband may regain his wife during the 'idda period. He may also re-marry her thereafter even if she has not consummated a subsequent

marriage, and even if he has not been emancipated. This was the view of the Dhaahiree legal school which did not distinguish between a slave and a free man in terms of divorce.

4. If the wife is free, the husband may divorce a third time. Otherwise, she remains unlawful until she consummates a subsequent marriage. This was the view of Aboo Haneefa.

Scholars past and present have adopted four views in this regard:

1. A slave and a free man are equal in terms of divorce. This was the view of the Dhaahiree legal school which relied upon general texts in this regard. In fact, Ibn 'Abbaas allowed a slave of his to regain his wife whom he divorced twice, and she was also a slave.

This ruling stems from the fact that divorce is in the hand of the master like marriage, and Ibn Jurayj has narrated that Az Zubayr heard Jaabir Ibn 'Abdillaah say the following regarding two slaves: their master marries and divorces them. In addition, Ash Shu'ba has said: the people of Al Madeena maintain that a slave cannot divorce without the consent of his master. Consequently, it should not be said that Ibn 'Abbaas ruled that a slave could divorce a third time if his wife was a slave, because it does not seem that any of the companions have said this.

2. It does not matter which spouse is a slave, and Naafi' has narrated that Ibn 'Umar has said: a free man divorces a slave twice and her 'idda period is two menstrual cycles. Conversely, a slave divorces a free woman twice and her 'idda period is three menstrual cycles.

3. A free man divorces three times even if his wife is a slave, and a slave divorces twice even if his wife is free. This was the view of:

Maalik

Ash Shaafi'ee

Ahmad

Zayd Bin Thaabit

Aa'isha

Umm Salama

'Uthmaan Bin 'Affaan

'Abdullaah Bin 'Abbaas

Al Qaasim

Saalim

Aboo Salama

'Umar Bin 'Abdil 'Azeez

Yahya Bin Sa'eed

Rabee'a

Aboo Az Zinaad

Sulaymaan Bin Yasaar

'Amr Bin Shu'ayb

Ibn Al Musayyib

‘Ataa

4. A free woman is divorced three times and a slave is divorced twice, and Masrooq has narrated that Ibn Mas’ood has said: divorce is based upon the woman according to the prophetic tradition.

Ash Shu’ba has narrated that twelve companions of the prophet (may Allaah send salutations upon him) have said: divorce is based upon the woman.

This was the view of:

Al Hasan

Ibn Seereen

Qataada

Ibraaheem

Ash Shu’ba

‘Ikrima

Mujaahid

Ath Thawree

Al Hasan Bin Hayy

Aboo Haneefa

One may ask: what is the ruling of the messenger of Allaah (may Allaah send salutations upon him) concerning this issue? Aboo Daawud has said: Al Qaasim Bin Muhammad has relayed that ‘Aa’isha has narrated that the prophet (may Allaah send salutations upon him) has said: (a slave is divorced twice and her ‘idda period is two menstrual cycles).

Zakariyya Bin As Saajee has narrated that Ibn ‘Umar has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (a slave is divorced twice and her ‘idda period is two menstrual cycles).

‘Abdur Razzaaq has relayed that Umm Salama has narrated that a slave of hers divorced his wife twice, and she was also a slave. Thereafter, Umm Salama questioned the prophet (may Allaah send salutations upon him), and he replied: (she will remain unlawful for him until she marries another man).

As for the first athar, Aboo Dawood has said that it is unreliable (majhool), and At Tirmidhee has said: it is unreliable (ghareeb).

As for the second athar, it has been narrated by ‘Atiyya who is weak.

As for the third athar, it has been narrated by Ibn Sam’aan The Liar and ‘Abdur Rahmaan who is unknown.

Maalik has said: a slave may marry four women like a free man, because his needs are the same.

Ash Shaafi’ee and Ahmad have said: the time period of a slave is like the time period of a free man if he swears to avoid his wife, because a wife is subject to equal harm in both instances.

Aboo Haneefa has said: the divorce of a slave and a free man is synonymous if their wives are free, because texts in this regard are unrestricted.

Ahmad has said: the fast of a slave and a free man are synonymous in terms of expiation, and the punishment of the former and latter is synonymous in terms of theft and the consumption of intoxicants.

The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Has Ruled That Divorce Is In The Hand Of The Husband

Allaah the most high has said: **{O you who believe, once you have divorced believing women}** [Al Ahzaab/49].

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نَكَحْتُمُ الْمُؤْمِنَاتِ ثُمَّ طَلَقْتُمُوهُنَّ﴾ [الأحزاب: 49]

{as the 'idda period concludes, kindly retain your wives} [Al Baqara/231].

﴿وَإِذَا طَلَقْتُمُ النِّسَاءَ فَلَمَّا أَجَلَهُنَّ فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ﴾ [البقرة: 231]

Ibn Maajah has narrated that Ibn 'Abbaas has said: a man came to the messenger of Allaah (may Allaah send salutations upon him) and said: O messenger of Allaah, my master has joined his slave and I in matrimony, though he wishes to divide us. As a result, the messenger of Allaah (may Allaah send salutations upon him) ascended the minbar and asked: (O people, why would one of you join two slaves of his in matrimony and then wish to divide them? Rather, divorce is in the hand of the husband).

Ibn Jurayj and 'Ataa have narrated that Ibn 'Abbaas used to say: the divorce of a slave is in the hand of the master. Narrated by 'Abdur Razzaaq.

Ibn Jurayj has relayed that Aboo Az Zubayr heard Jaabir say the following concerning two slaves: their master joins and divides them.

The decision of the messenger of Allaah (may Allaah send salutations upon him) is paramount. However, the athar of Ibn 'Abbaas is supported by the Qur'aan and put into practice, even though the isnaad is faulty.

The Ruling Of The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Concerning One Who Divorces Less Than Three Times And Regains His Wife After A Subsequent Marriage

Ibn Al Mubaarak has mentioned a narration which states that the messenger of Allaah (may Allaah send salutations upon him) ruled that a woman remains as she was when divorced less than three times before a subsequent marriage.

Although this athar has been relayed by unreliable narrators, it was maintained by eminent companions. In fact, 'Abdur Razzaaq has mentioned in the Musannaf that Aboo Hurayra has said: I have heard 'Umar Bin Al Khattaab say: if a woman is divorced once or twice before a subsequent

marriage and becomes a widow or divorcee, she remains as she was beforehand.

This has also been narrated via 'Alee Bin Abee Taalib, Ubayy Bin Ka'b, and 'Imraan Bin Husayn.

Ahmad has said: this was the stance of eminent companions.

Ibn 'Abbaas has said: a new marriage and divorce are necessary.

The first view was maintained by Maalik, Ash Shaafi'ee, and Ahmad. Whereas, Aboo Haneefa maintained the second view. However, all agree that the wife remains as she was before the subsequent marriage if the second husband has not had sex with her.

The Ruling Of The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Concerning A Woman Who Has Been Divorced Three Times

Ibn 'Umar has said: the messenger of Allaah (may Allaah send salutations upon him) was questioned concerning a man who divorces his wife three times before a subsequent marriage which is not consummated. He replied: (she will not be lawful for the first husband until the second husband has sex with her).

'Aa'isha has said: the messenger of Allaah (may Allaah send salutations upon him) has said: ('aseela is sex, even if ejaculation does not occur). Narrated by An Nasaa'ee.

This ruling entails the following:

1. A woman may not claim that her husband is incapable of having sex with her.

2. The second husband must have sex with the wife in order for her to be lawful for the first husband. As for those who hold that the marital contract is sufficient in this regard, they are refuted by the prophetic tradition.

3. Ejaculation is not required for the wife to become lawful for the first husband.

4. If a marital contract does not suffice when a long term relationship is intended, then it surely does not suffice when the objective is merely to effect the return of the wife.

The Ruling Of The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Concerning A Woman Who Produces One Witness Who Declares That She Is Divorced

Ibn Abee Maryam, 'Amr Bin Abee Salama, Zuhayr Bin Muhammad, Ibn Jurayj, 'Amr Bin Shu'ayb, his father, and his grandfather have narrated that the prophet (may Allaah send salutations upon him) has said: (if a woman claims to be divorced and provides a credible witness, her husband may exonerate himself by swearing. However, if he does not do so, his refusal is the equivalent of a second witness and the divorce is valid).

This ruling entails the following:

1. An oath and a testimony are insufficient as regards divorce. Ahmad

has said: a testimony and an oath are admissible as regards wealth, but they are inadmissible as regards:

prescribed punishment

marriage

divorce

emancipation

theft

homicide

It has also been narrated that Ahmad has said that a slave may be freed if he swears that he is emancipated while providing a witness.

He has said that if two partners claim that they have emancipated their share of a slave, the slave may swear with both of them if they are credible, and he will become free. He has also said that he may swear with one of them to become half free. However, it does not seem that Ahmad has said that a divorce may be validated with an oath and a testimony.

The aforementioned narration indicates that a divorce is validated with a testimony and a refusal to swear, and this is correct.

2. The oath of the husband is sought due to a divorce claim.

3. A claim of divorce is substantiated with a testimony and a refusal to swear. In fact, it has been narrated that Ahmad ruled that the claim in question is substantiated with a mere refusal to swear.

4. A refusal to swear is evidence, so once the other half of it is provided, i. e. the witness, the proof is complete.

The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Gave His Wives The Option Of Divorce

‘Aa’isha has said: the messenger of Allaah (may Allaah send salutations upon him) was commanded to give his wives the option of divorce, so he said: (there is a matter which I will inform you of, though you must consult your parents). However, he knew that they would not order me to leave him. Thereafter, he recited the following verse: **{O prophet, say to your wives: if you prefer this world, I will give you a stipend and will kindly release you. However, if you prefer Allaah, his messenger, and the afterlife, then Allaah has reserved a great reward for you who are good}** [Al Ahzaab/28].

﴿يَا أَيُّهَا النَّبِيُّ قُلْ لِّأَزْوَاجِكَ إِن كُنْتُنَّ تُحِبُّونَ الْحَيَاةَ الدُّنْيَا وَزَيَّنْتُهَا فَقُلْنَ أَمَّا تُحِبُّونَ

وَأَمَّا تُحِبُّونَ مَرَلًا جَمِيلًا ﴿٢٨﴾ وَإِن كُنْتُنَّ تُرِيدُونَ اللَّهَ وَرَسُولَهُ وَالذَّارَ الْآخِرَةَ فَإِنَّ اللَّهَ أَعَدَّ لِلْمُحْسِنَاتِ مِنكُنَّ

أَجْرًا عَظِيمًا ﴿٢٩﴾ [الأحزاب: 28-29]

As a result, I asked myself: would I consult my parents regarding this?! I definitely prefer Allaah, his messenger, and the afterlife. Afterward, the

wives of the prophet (may Allaah send salutations upon him) responded similarly, but that was not a divorce. Narrated by Al Bukhaaree and Muslim.

‘Amr Bin Shu’ayb has said: the daughter of Ad Dahhaak Al ‘Aamiriyya returned to her family.

People have differed concerning the option in question.

1. The majority opinion states that the wives of the prophet (may Allaah send salutations upon him) were given the option of divorce. However, ‘Abdur Razzaaq has mentioned in the Musannaf that Al Hasan has narrated that Allaah the most high gave them the option of attaining the world, but the Qur’aan and the statement of ‘Aa’isha refute him.

2. The majority opinion states that the wives who chose to remain were not divorced, and ‘Aa’isha has said: the messenger of Allaah (may Allaah send salutations upon him) gave us an option, and we chose him. However, we did not consider this a divorce.

The Divinely Inspired Ruling Of The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Concerning One Who Prohibits His Slave Or His Wife Etc.

The most high has said: **{O prophet, why do you prohibit what Allaah has made lawful for you. You seek to please your wives, and Allaah is forgiving and merciful}** [At Tahreem/1].

﴿يَا أَيُّهَا النَّبِيُّ لِمَ تُحَرِّمُ مَا أَحَلَّ اللَّهُ لَكَ تَبْنِي مَرْضَاتَ أَزْوَاجِكَ وَاللَّهُ غَفُورٌ رَحِيمٌ﴾ ① قَدْ قَرَضَ اللَّهُ

لَكُمْ نَحْلَةً أَيْمَنِيكُمْ ﴿[التحریم: 1-2]

It has been narrated in Al Bukhaaree and Muslim that the prophet (may Allaah send salutations upon him) drank honey at the home of Zaynab Bint Jahsh. As a result, ‘Aa’isha and Hafsa persisted until he said: (I will not return). The following wording has also been narrated: (and I have sworn).

Anas has narrated that the messenger of Allaah (may Allaah send salutations upon him) had a slave whom he used to have sex with. Consequently, ‘Aa’isha and Hafsa persisted until he prohibited her, so Allaah the magnificent revealed the following: **{O prophet, why do you prohibit what Allaah has made lawful for you}** [At Tahreem/1].

﴿يَا أَيُّهَا النَّبِيُّ لِمَ تُحَرِّمُ مَا أَحَلَّ اللَّهُ لَكَ تَبْنِي مَرْضَاتَ أَزْوَاجِكَ وَاللَّهُ غَفُورٌ رَحِيمٌ﴾ ① [التحریم: 1]

Narrated by An Nasaa’ee

Ibn ‘Abbaas has said: if a man prohibits his wife, he must expiate his oath, and Allaah has said: **{the messenger of Allaah is a fine example for you}** [Al Ahzaab/21].

﴿لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ﴾ [الأحزاب: 21]

It has been narrated in At Tirmidhee that ‘Aa’isha has said: the

messenger of Allaah (may Allaah send salutations upon him) swore to avoid his wives. Thereafter, he made lawful what he had forbade and expiated his oath.

He made lawful what he had forbade: namely, the slave.

Al Layth Bin Sa'd has narrated that Qubaysa Bin Dhu'ayb has said: I questioned Zayd Bin Thaabit and Ibn 'Umar concerning one who says to his wife: you are unlawful for me. They replied: he must expiate his oath.

'Abdur Razzaaq has narrated that Ibn Mas'ood has said the following concerning the prohibition of a wife: it is an oath which must be expiated.

Al Hajjaaj Bin Minhaal has said: Jareer Bin Haazim has said: I questioned Naafi' the slave of Ibn 'Umar if the prohibition of a wife is divorce. He replied: it is not. Did not the messenger of Allaah (may Allaah send salutations upon him) prohibit his wife before being commanded by Allaah the magnificent to expiate his oath?

'Abdur Razzaaq has narrated that 'Umar Bin Al Khattaab has said: it is an oath, namely the prohibition of a wife.

Ismaa'eel Bin Ishaq has narrated that Ibn 'Umar has said: the prohibition of a wife is divorce.

It has been narrated in Saheeh Al Bukhaaree that Sa'eed Bin Jubayr heard Ibn 'Abbaas say: if one prohibits his wife, he will not be liable, and Allaah has said: **{the messenger of Allaah is a fine example for you}** [Al Ahzaab/21].

﴿لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ﴾ [الأحزاب: 21]

It has been said that this is a different narration, and it has been said that Ibn 'Abbaas meant that there is no divorce, but rather the expiation of an oath. For this reason, he cited the practice of the messenger of Allaah (may Allaah send salutations upon him), and this is a more plausible supposition.

The following views have been adopted in this regard:

1. The prohibition of a wife etc. is inconsequential, and 'Abdur Razzaaq has narrated that Ash Shu'ba has said: the prohibition of a wife is less significant to me than my sandals. Ibn Jurayj has mentioned that Aboo Salama Bin 'Abdir Rahmaan has said: I do not care if I prohibit her or the water of a river.

2. The prohibition of a wife is a baa'in divorce. Ibn Hazm has said: this was the view of:

'Alee Bin Abee Talib

Zayd Bin Thaabit

Ibn 'Umar

Al Hasan

Muhammad Bin 'Abdir Rahmaan Bin Abee Layla

Al Hakam Bin 'Utayba

3. The prohibition of a wife is a baa'in divorce if she has had sex with her husband. Otherwise, the prohibition will be as intended, namely a first, second, or third divorce. Whereas, an unrestricted prohibition is merely considered a first divorce. As for one who prohibits his slave or an item of his, there are no repercussions according to Maalik.

4. The prohibition of a wife is divorce when that is intended, and it is baa'in if that was intended. If one or two divorces were intended, it is one divorce and is raj'ee. If an oath was intended, it is an oath which is expiated. If nothing was intended, it is a vow to avoid ones wife. Lastly, if something other than ones wife, slave, or food were prohibited, it is an oath which is expiated. This was the view of Aboo Haneefa.

5. The prohibition of a wife is divorce when that is intended, and an unrestricted prohibition is one divorce. However, two views exist regarding one who has no intentions whatsoever.

He is not liable.

He must expiate his oath.

6. The unrestricted prohibition of a wife is dhihaar regardless of ones intentions. However, one may shift to divorce etc. This was the view of Ahmad, though it has been narrated that he has said that the unrestricted prohibition of a wife is an oath unless one later intends divorce etc.

7. The prohibition of a wife is a baa'in divorce when that is intended, though when one divorce is intended, it is one baa'in divorce. Lastly, when an oath is intended, it is an oath. However, it is a lie when one has no intentions whatsoever. This was the view of Sufyaan Ath Thawree.

8. The prohibition of a wife is one baa'in divorce whatever the case may be. This was the view of Hamaad Bin Sulaymaan.

9. The prohibition of a wife is a baa'in divorce when that is intended, though when one divorce is intended or no divorce at all, it is one baa'in divorce. This was the view of Ibraaheem An Nakha'ee.

10. The prohibition of a wife is a raj'ee divorce. Ibn As Sabbaagh and his companion Aboo Bakr Ash Shaamee have narrated that this was the stance of Az Zuhree and 'Umar Bin Al Khattaab.

11. The prohibition of a wife is only a prohibiton. Ibn Hazm has said: this was the view of :

'Alee Bin Abee Taalib

Aboo Hurayra

Al Hasan

Khallaas Bin 'Amr

Jaabir Bin Zayd

Qataada

12. The prohibition of a wife does not effect a ruling, and Ash Shu'ba has narrated that 'Alee has said: I do not issue a ruling in this regard, so act as you please.

13. The prohibition of a wife is dhihaar if one says for example: you are unlawful for me. Whereas, it is an oath which must be expiated if one says for example: if my wife speaks to so and so, she will become unlawful for me. This was the choice of Shaykhul Islaam Ibn Taymiyya, and more than twenty views have been adopted in this regard.

Chapter

One Who Prohibits His Wife

As for those who say: the prohibition of a wife is inconsequential, they assert that Allaah the glorified does not allow man to declare an entity lawful or prohibited. Rather, he allows him to effect lawfulness or prohibition. As a result, he cannot say: such and such is unlawful for me, and the most high has said: **{do not say this is lawful or prohibited}** [An Nahl /116].

﴿وَلَا تَقُولُوا لِمَا تَصِفُ أَلْسِنَتُكُمُ الْكَذِبَ هَذَا حَلَلٌ وَهَذَا

حَرَامٌ لِّتَفْتَرُوا عَلَى اللَّهِ الْكَذِبَ﴾ [النحل: 116]

{O prophet, why do you prohibit what Allaah has made lawful for you} [At Tahreem /1].

﴿يَا أَيُّهَا النَّبِيُّ لِمَ تُحَرِّمُ مَا أَحَلَّ اللَّهُ لَكَ﴾ [التحریم: 1]

If the glorified did not give his messenger the right to prohibit what Allaah has made lawful, how could he give someone else this right?

A group has said: the prophet (may Allaah send salutations upon him) has said: (every action which is at variance with our practice is rejected).

Since one who prohibits what Allaah has made lawful and one who makes lawful what Allaah has prohibited are synonomous, both scenarios are inconsequential.

One who says to his wife: you are unlawful for me is like one who says: this food is unlawful for me.

When one says to his wife: you are unlawful for me, he either wishes to prohibit her, or wishes to state that she is unlawful. However, only the legislator can declare an entity unlawful. As a result, if one says: you are unlawful for me, he has lied.

We have examined other views in this regard and have found that they conflict. Whereas, a marriage remains valid until proven otherwise.

Chapter

Considering The Prohibition Of A Wife Three Pronouncements Of Divorce Under All Circumstances

As for those who consider the prohibition of a wife three pronouncements of divorce under all circumstances, they assert that this prohibition is an indirect expression of divorce. They also assert that the highest degree of prohibition is three pronouncements of divorce. As a result, they interpret this prohibition as three pronouncements of divorce as a precaution.

Chapter

Those Who Consider The Prohibition Of A Wife Who Has Had Sex With Her Husband Three Pronouncements Of Divorce

As for those who consider the prohibition of a wife who has had sex with her husband three pronouncements of divorce, they assert that only three pronouncements of divorce can make her unlawful. However, the husband may effect a single baa'in divorce in this case.

Chapter

Those Who Consider The Prohibition Of A Wife A Single Baa'in Divorce Under All Circumstances

As for those who consider the prohibition of a wife a single baa'in divorce under all circumstances, they assert that this prohibition does not indicate an amount in terms of a divorce, but rather baynoona.

The husband may effect a single baa'in divorce without compensation. Similarly, if he were to say: you are divorced a baa'in divorce, he could forfeit the return of his wife.

Chapter

Those Who Consider The Prohibition Of A Wife A Single Raj'ee Divorce

As for those who consider the prohibition of a wife a single raj'ee divorce, they assert that this prohibition indicates the unrestricted termination of ownership. However, we say that this prohibition is more general than a raj'ee or baa'in prohibition, hence the former cannot indicate the latter. It could also be said that a general entity does not necessitate a specific entity.

Chapter

Those Who Consider The Intentions Of One Who Has Prohibited His Wife

As for those who consider the intentions of one who has prohibited his wife, they assert that his statement does not effect divorce in particular. As a result, if one intends to avoid his wife for example, his speech is accurate.

This group says that if one intends to prohibit his wife, his statement obliges the expiation of an oath due to the Qur'aan and the athar of Ibn 'Abbaas which has been narrated by Muslim. Similarly, Mujaahid has said the following concerning dhihaar: an expiation is obligatory due to the mere statement. In reality, this was the view of Ash Shaafi'ee.

This group says that if the husband intends to make an observation, his speech is appropriate. Whereas, if he intends to effect a prohibition, he is questioned concerning the cause. Consequently, if he replies that he intends one, two, or three pronouncements of divorce etc. , his response is accepted.

Chapter

Those Who Validate The Prohibition Of A Wife When Dhihaar Is Intended

As for those who say that the prohibition of a wife is dhihaar unless one intends divorce, they assert that a slave cannot declare an entity lawful or prohibited, but rather can effect lawfulness or prohibition. As a result, one who prohibits his wife is like one who makes a statement of dhihaar.

Chapter

One Who Makes A Statement Of Dhihaar Intending Divorce

As for those who say that the prohibition of a wife is dhihaar even if divorce is intended, they assert that ones intentions cannot bring him from the former to the latter. Whereas, dhihaar and divorce were synonomous during the period of ignorance.

If one swears that his wife his prohibited, he must expiate an oath. However, if he effects her unlawfulness or imposes a condition, the expiation of dhihaar becomes necessary. This is what the athar of Ibn 'Abbaas necessitates, because he considered the prohibition of a wife dhihaar in one instance while considering it an oath in another instance.

Chapter

Those Who Consider The Prohibition Of A Wife An Oath Which Is Expiated

As for those who consider the prohibition of a wife an oath which is

expiated under all circumstances, they assert that the prohibition of lawful food and drink is also an oath which is expiated as such. Allaah the glorified has said: **{O prophet, why do you prohibit what Allaah has made lawful for you. You seek to please your wives and Allaah is forgiving and merciful. Allaah has enjoined the expiation of an oath}** [At Tahreem/1-2].

﴿يَا أَيُّهَا النَّبِيُّ لِمَ تُحَرِّمُ مَا أَحَلَّ اللَّهُ لَكَ تَبْلِغِ مَرْصَاتَ أَزْوَاجِكَ وَاللَّهُ عَفُورٌ رَحِيمٌ﴾

﴿قَدْ فَرَضَ اللَّهُ لَكُمْ تَحِلَّةَ أَيْمَانِكُمْ﴾ [التحریم: 1-2]

This dictate would have to entail the prohibition of a lawful entity, because it is this act which prompted the command in question.

Shaykhul Islaam Ibn Taymiyya has said: the prohibition of a wife is a major oath which requires the expiation of dhihaar. Otherwise, it is a minor oath which is expiated, and this was the view of Ibn ‘Abbaas and other companions.

Chapter

One Who Prohibits An Entity Other Than His Wife

It has become evident that when one prohibits an entity other than his wife, it does not become unlawful, and he must expiate an oath.

There is a discrepancy in three areas:

1. The majority says that if one prohibits an entity other than his wife, it does not become unlawful. Whereas, Aboo Haneefa has said: it becomes unlawful, but the unlawfulness is lifted upon expiation. Similarly, a wife who is prohibited due to dhihaar becomes lawful in the same manner.

An oath was binding in previous legislation. However, Allaah has allowed us to violate it provided we expiate, and this was the view of Aboo Haneefa.

Chapter

2. Aforementioned companions, scholars of prophetic tradition, and scholars of reason have said that the prohibition of a wife necessitates expiation since it is akin to an oath. However, Maalik and Ash Shaafi’ee have differed in this regard.

Allaah has mentioned the expiation of an oath after saying: **{why do you prohibit what Allaah has made lawful for you}**.

﴿لِمَ تُحَرِّمُ مَا أَحَلَّ اللَّهُ لَكَ﴾ [التحریم: 1]

This states that the expiation of an oath is mandatory when something lawful has been prohibited.

The prohibition of a wife desecrates the law, because one prohibits what is lawful. However, this does not apply to the violation of an oath, because it

can be permissible, desirable, or obligatory. In addition, the prophet (may Allaah send salutations upon him) has informed us that an oath can be expiated when one feels that another oath is better. Whereas, one could never desecrate the name of Allaah.

Chapter

3. The majority has held that there is no difference between the prohibition of one's wife or slave and the prohibition of other entities. However, Ash Shaafi'ee obliged one who prohibited his slave to expiate an oath.

Although the aforementioned verse was revealed due to the prohibition of a slave, those who differ with Ash Shaafi'ee say: this text obliges one who prohibits a lawful entity to expiate an oath, because it is more general than the prohibition of a slave. As a result, an expiation is mandatory whenever the cause exists.

Chapter

The Ruling Of The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Concerning A Husband Who Says To His Wife: Join Your Family

It has been narrated in Al Bukhaaree and Muslim that the daughter of Al Jawan came to the messenger of Allaah (may Allaah send salutations upon him) and that he approached her. She said: I seek the protection of Allaah from you. As a result, he said: (join your family).

It has been narrated in Al Bukhaaree and Muslim that the messenger of Allaah (may Allaah send salutations upon him) commanded Ka'b Bin Maalik to avoid his wife. Consequently, he said: join your family.

People have differed in this regard. It has been said that this is not divorce, even if one intends to divorce his wife, and this was the view of the Dhaahiree legal school. This group has said that the prophet (may Allaah send salutations upon him) actually sent for the daughter of Al Jawan so that he could propose to her. In fact, they have cited the following: Hamza Bin Abee Usayd has narrated that his father was with the messenger of Allaah (may Allaah send salutations upon him) when the daughter of Al Jawan reached the home of Umayma Bint An Nu'maan. Thereafter, the messenger of Allaah (may Allaah send salutations upon him) said: (grant me yourself). She asked: would a queen grant herself to a commoner? He then attempted to calm her, though she said: I seek the protection of Allaah from you. Consequently, he said: O Aboo Usayd, bring her to her family.

Sahl Bin Sa'd has said: I mentioned a woman to the messenger of Allaah (may Allaah send salutations upon him), so he ordered Aboo Usayd to send for her. When the messenger of Allaah (may Allaah send salutations upon

him) spoke to her, she said: I seek the protection of Allaah from you. As a result, the people asked: do you know who this is? She replied: no. They said: this is the messenger of Allaah (may Allaah send salutations upon him) , he has come to propose to you. Narrated by Muslim.

This group has said: these are accounts regarding one story, one woman, and one place. They state that the messenger of Allaah (may Allaah send salutations upon him) had yet to marry the daughter of Al Jawn and that he actually came to propose to her.

The majority including Aboo Haneefa, Maalik, Ash Shaafi'ee, and Ahmad have said that "join your family" is a pronouncement of divorce when divorce is intended. In fact, it has been narrated in Saheeh Al Bukhaaree that Ismaa'eel the son of Ibraaheem divorced his wife with this statement when his father commanded him to part with her.

As for the narration of Aboo Usayd where the prophet (may Allaah send salutations upon him) said: (grant me yourself) , it does not indicate that he had not married the daughter of Al Jawn. In fact, it is possible that he was seeking intimacy and not matrimony.

As for the narration of Sahl Bin Sa'd, it states most explicitly that the prophet (may Allaah send salutations upon him) had yet to marry the daughter of Al Jawn. It states that when he came to her, the people said: this is the messenger of Allaah (may Allaah send salutations upon him) , he has come to propose to you. However, it has been relayed that he approached her, hence this narration is at variance. As a result, one of the narrators was mistaken, or the prophet (may Allaah send salutations upon him) was seeking entry rather than intimacy.

Allaah the glorified mentioned divorce without specifying an utterance, thus it is effected with any statement which is commonly accepted, provided that divorce is intended.

Since speech indicates the objective of the speaker, when a statement of his denotes a meaning which he intends, the respective ruling applies. For this reason, a pronouncement of divorce is valid even if the language is not Arabic. Whereas, if a non-Arab uttered an explicit statement of divorce in Arabic which he did not comprehend, his divorce would be invalid, because he did not intend or understand what he said. In fact, the narration of Ka'b Bin Maalik indicates that the speech in question cannot effect a divorce unless a divorce is intended.

The Ruling Of The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Concerning Dhihaar

The most high has said: **{those who prohibit their wives and recant must free a slave before their union. You are advised to act a such, and Allaah is aware of what you do. If one cannot free a slave, then he must fast for two consecutive months before his union. If he cannot do that,**

then he must feed sixty people who are needy, this is so you may believe in Allaah and his messenger. This is the law of Allaah, and a painful punishment awaits the disbelievers} [Al Mujaadila/2-4].

﴿الَّذِينَ يَظْهَرُونَ مِنْكُمْ مَنْ نَسَاءِهِمْ مَا هُمْ بِأُمَّهَاتِهِمْ إِنَّمَا هُنَّ أُمَّهَاتُهُمْ إِلَّا اللَّائِي وَلَدْنَهُمْ وَإِنَّهُمْ لَيَقُولُونَ مُنْكَرًا مِنَ الْقَوْلِ وَزُورًا وَإِنَّ اللَّهَ لَعَفُوفٌ غَفُورٌ ﴿١﴾ وَالَّذِينَ يَظْهَرُونَ مِنْ نَسَائِهِمْ ثُمَّ يَعُودُونَ لِمَا قَالُوا فَتَحْرِيرُ رَقَبَةٍ مِنْ قَبْلِ أَنْ يَتَمَاسَا ذَلِكَ تُوعِظُونَ بِهِ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ ﴿٢﴾ فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ مِنْ قَبْلِ أَنْ يَتَمَاسَا فَمَنْ لَمْ يَسْتَطِعْ فَاِطْعَامُ سِتِّينَ مِسْكِينًا ذَلِكَ لِيَتُؤْمِنُوا بِاللَّهِ وَرَسُولِهِ وَلِيَأْكُلُوا مِنْ ثَمَرِهِمْ وَمَا عَمِلُوا مِنْ شَيْءٍ﴾ [المجادلة: 2-4]

It has been narrated in the Sunan and Masaanid collections that Aws Bin As Saamit prohibited his wife Khawla Bint Maalik Bin Tha'laba who plead before the prophet (may Allaah send salutations upon him) and confided in Allaah who heard her above seven heavens. She said: O messenger of Allaah, Aws Bin As Saamit married me when I was young and desireable, though once I became mature, he compared me to his mother. As a result, the messenger of Allaah (may Allaah send salutations upon him) said: (there is nothing I can do) , so she said: O Allaah, I confide in you.

It has also been narrated that she said: I have young children. If he claims them, they will be ruined. If I claim them, they will starve. Consequently, Al Mujaadila was revealed.

Ibn 'Abbaas has narrated that a man who prohibited his wife came to the messenger of Allaah (may Allaah send salutations upon him) and said: O messenger of Allaah, I prohibited my wife and had sex with her before expiation. He asked: (and what provoked you to do so may Allaah have mercy upon you) ? He replied: I saw her anklet in the moonlight. He said: (do not approach her until you do what Allaah has commanded you to do). Narrated by At Tirmidhee who has said: this is an authentic (hasan ghareeb saheeh) prophetic tradition.

Ismaa'eel Bin Muslim, 'Amr Bin Deenaar, and Taawoos have narrated that Ibn 'Abbaas has said: a man came to the prophet (may Allaah send salutations upon him) and said: I prohibited my wife and had sex with her before expiation. As a result, the messenger of Allaah (may Allaah send salutations upon him) asked: (has not Allaah said: **{before their union}**) ? He replied: she was alluring. He said: (avoid her until you expiate). Narrated by Al Bazaar who has said: we do not believe that this has been narrated with a finer isnaad, even though Ismaa'eel Bin Muslim has been criticized. Nevertheless, many scholars have relayed his narrations.

These rulings entail the following:

Dhihaar and divorce are no longer synonymous, even if one were to say: you are like the back of my mother, though I intend divorce. Ash Shaafi'ee has said: if one effects dhihaar intending divorce, he has effected dhihaar. Whereas, if he effects a divorce intending dhihaar, he has effected a divorce. Ahmad has said that if one says: you are like the back of my mother, though I intend divorce, he has effected dhihaar, because the former and latter were synonymous during the period of ignorance. As a result, one cannot return to an abrogated ruling.

As for Aws Bin As Saamit, although he intended divorce, the ruling of dhihaar was applied.

Dhihaar is unlawful since Allaah has informed us that it is an evil falsehood. Namely, when one says: you are like the back of my mother, his description renders her unlawful. Consequently, his statement is a lie and his prohibition is wicked.

It is not dhihaar itself which necessitates an expiation, but rather the 'awd which ensues, and Ath Thawree has narrated that Taawoos has said: dhihaar is binding.

It has been narrated that Mujaahid has said that Dhihaar itself necessitates an expiation, and Ibn Hazm has narrated that this was the view of Ath Thawree. Although they knew that 'awd is a prerequisite of expiation, their definition of 'awd was a return to dhihaar and the period of ignorance.

The majority has responded by saying: 'awd is a matter which exceeds the statement: you are like the back of my mother. In addition, one may not infer that the verse in question denotes a return to dhihaar and the period of ignorance.

The messenger of Allaah (may Allaah send salutations upon him) commanded Aws Bin As Saamit and Salama Bin Sakhr to expiate, though he did not ask if they engaged in dhihaar during the period of ignorance.

Chapter

Most scholars say that an expiation is only obligatory if 'awd follows dhihaar. However, they differ concerning 'awd in particular. The Dhaahiree legal school says that 'awd is actually a second pronouncement of dhihaar.

The Dhaahiree legal school has said: if 'awd meant retraction, the verse in question would read: those who prohibit their wives and retract their statements. Similarly, a prophetic tradition reads as follows: (one who retracts a gift is like one who retracts his vomit).

Aboo Muhammad Ibn Hazm has relied upon the narration of 'Aa'isha which states that Aws Bin As Saamit would prohibit his wife during episodes of mental illness. It also states that Allaah the magnificent introduced the expiation of dhihaar as a result. He has said: this necessitates

repetition. He has said: this is the only reliable narration in this regard. He has said: as for your derogatory remark, namely that none of the companions held this view, provide an athar which states that 'awd is sex, the resolve to have sex, the retention of ones wife, or a return to dhihaar and the period of ignorance.

Chapter

The majority has responded by saying: the meaning of 'awd is not a second pronouncement of dhihaar, because if this were the case, the verse in question would read: those who prohibit their wives and repeat what they have said.

The prophet (may Allaah send salutations upon him) ordered Aws Bin As Saamit and Salama Bin Sakhr to expiate, though they did not say "you are like the back of my mother" twice, nor did the prophet (may Allaah send salutations upon him) ask if they did. However, if this were a prerequisite of expiation, it could not be ignored.

'Awd entails the annulment of dhihaar and the will to diverge. This was the understanding of the early believers. As a result, they considered 'awd foreplay, the resolve to have sex, and sex itself.

Chapter

Some have said that 'awd is retaining ones wife long enough to divorce her. As a result, when divorce does not ensue, an expiation is mandatory. This was the view of Ash Shaafi'ee, but those who disagree say that it is dhihaar itself which prompts an expiation.

Chapter

It has been narrated that Maalik has said that 'awd is the resolve to have sex. This was also the view of Al Qadee Aboo Ya'la and his companions, though Ahmad differed.

Does expiation remain outstanding is a spouse dies or if the husband divorces his wife before having sex with her? Maalik has said that expiation remains outstanding while Al Qadee Aboo Ya'la and most of his companions have said that it does not.

It has been narrated that Maalik has said that 'awd is the resolve to retain ones wife, though it has been narrated in the Muwatta that it is the resolve to retain ones wife and have sex with her. However, a fourth narration states that 'awd is sex itself, and this was the view of Aboo Haneefa and Ahmad.

Those who held that 'awd is the resolve to have sex have asserted that Allaah has said : **{before their union}**. Consequently, expiation must precede sex. This proves that 'awd is not sex itself. Rather, since one intends to prohibit his wife, 'awd is the resolve to have sex.

Those who held that 'awd is sex itself have asserted that it is undoubtedly

an action which opposes dhihaar, thus it is not the will to diverge. Similarly, the most high has said: **{then they return to what is unlawful}**. Namely, it is the action itself which is intended and not the will to act.

Those who held that 'awd is the resolve to have sex have asserted that Allaah has said: **{those who prohibit their wives and recant}**, i. e. 'awd. They have also asserted that Allaah has said: **{when you intend to recite the Qur'aan, seek the protection of Allaah}** [An Nahl/98].

﴿فَإِذَا قَرَأْتَ الْقُرْآنَ فَاسْتَعِذْ بِاللَّهِ مِنَ الشَّيْطَانِ الرَّجِيمِ﴾ [النحل: 98]

{When you intend to pray, wash your faces} [Al Maa'ida/6].

﴿إِذَا قُمْتُمْ إِلَى الصَّلَاةِ فَاغْسِلُوا وُجُوهَكُمْ﴾ [المائدة: 6]

Namely, these are examples of verses where a verb is used to denote will and not action. This group has said that this is the most likely exegesis, because it is clear that other interpretations are implausible. Consequently, it is their opinion which is nearest to text, theory, and tafseer, and success lies with Allaah.

Chapter

Is The Expiation Of Dhihaar Waived Due To Inability?

If one is unable to expiate, he is not excused, because the prophet (may Allaah send salutations upon him) assisted Aws Bin As Saamit. He also ordered Salama Bin Sakhr to expiate with the charity of his people. However, if the expiation of dhihaar were waived due to inability, it would become a debt, and this was the view of Ash Shaafi'ee and Ahmad.

One group held that the expiation of dhihaar is waived due to inability like other obligations.

One group has held that the expiation of Ramadaan is waived unlike other expiations, and this view was endorsed by Aboo Al Barakaat Ibn Taymiyya.

Those who held the first view asserted that the expiation of dhihaar could not return to the source if it were not waived due to inability, because a man cannot receive his expiation in the same way that he cannot receive his charity. Whereas, those who held the first view asserted that if one is aided due to his inability, his expiation may return to him, because the prophet (may Allaah send salutations upon him) returned the expiation of those who had sex during the day in Ramadaan. Similarly, he allowed Salama Bin Sakhr and his family to partake of the expiation which was taken from the charity of his people. This was the view of Ahmad, though two narrations exist regarding other forms of expiation.

The prophetic tradition indicates that if one is aided due to his inability, his expiation may return to him and his family.

One may ask: if one is needy, has dependents, and is obliged to give charity, may he give it to himself and his family? The response: he may not,

because he is obliged to present his charity. However, the imaam or his delegate may give him his charity, and this was the view of Ahmad according to the most reliable narration.

One may ask: may his charity be waived? The response: there is no text in this regard, but the difference is clear.

One may ask: if a master allows his slave to expiate by emancipating another slave, may he emancipate himself? The response: one narration states that he may not expiate with wealth but must fast instead, though another narration states that he is not obliged to fast. Though may he emancipate a slave? Two views have been attributed to Ahmad, and Aboo Bakr and others held that one slave may emancipate another slave. Based upon this, may a slave emancipate himself? The legal school maintains two positions.

Chapter

The Unlawfulness Of Sex Before Expiation

There is a discrepancy concerning the following two matters:

1. May one make contact with his wife before expiation?
2. If one intends to expiate with food, may he have sex with his wife beforehand?

Two views exist in this regard, and they were maintained by Ash Shaafi'ee and attributed to Ahmad.

As for the first issue, the most high has said: **{before their union}**.

﴿مَنْ قَبِلَ أَنْ يَتَمَاسَا﴾ [المجادلة: 3]

Whereas, he has alluded to sex, and although it is unlawful, foreplay is not. Similarly, one may not have sex with a menstruating woman, though he may engage in foreplay. This also applies to a fasting woman, and this was the view of Aboo Haneefa.

As for the second issue, Allaah the glorified has restricted expiation such that it precedes sex when one fasts or emancipates a slave. Conversely, he has not restricted expiation when one provides food, and a respective ruling applies in both instances. Nevertheless, he did not leave the latter expiation unrestricted inadvertently.

As for the prohibition in question, the glorified does not distinguish between similar entities, and he said: **{before their union}**.

﴿مَنْ قَبِلَ أَنْ يَتَمَاسَا﴾ [المجادلة: 3]

Twice. However, had he did so a third time, his speech would be excessive. Whereas, had he did so once at the end, it would appear that his speech was confined to the last expiation. Conversely, had he did so at the beginning, it would appear that it was confined to the first expiation. As a result, his statement is lucid, profound, and concise.

Chapter

Fasting Before Sex

The glorified has enjoined that fasting precede sex, and scholars agree that sex is also unlawful at night. However, scholars do not agree that sex invalidates succession.

1. Aboo Haneefa, Maalik, and Ahmad have said that sex invalidates succession.

2. Ash Shaafi'ee has said that sex does not invalidate succession, and this was the view of Ahmad according to another narration.

Those who have invalidated succession have relied upon the Qur'aan, namely Allaah has enjoined that one fast consecutively for two months before sex. Consequently, if one has sex before completing his fast, his fast is invalid, because it is at variance with the practice of the prophet (may Allaah send salutations upon him).

The glorified has enjoined the following:

1. a consecutive fast
2. fasting before sex

As a result, one cannot fulfil his obligation unless he fasts consecutively for two months before sex.

Chapter

The glorified and most high has left feeding the needy unrestricted such that quantity and succession have not been defined. This entails that one may provide the needy with lunch and dinner as opposed to foodstuff. This is the majority opinion, and most scholars maintain that the needy may be fed collectively or separately.

Chapter

Sixty people must be fed, thus one may not feed one person for sixty days. This is the majority opinion.

Aboo Haneefa maintained that one is obliged to feed sixty people but may also feed one person.

The most accurate opinion states that one may not feed one person if he has found other people.

Chapter

An expiation may only be given to one who is needy, though our companions have stated that it may be given to the the following people: a miskeen or a faqeer, a traveler, a debtor, and one who is emancipating himself.

Chapter

Emancipation As It Relates To The Expiation Of Dhihaar

Unlike the expiation of murder, Allaah the glorified has not restricted the

slave in question such that he may only be faithful.

As a result, there is a discrepancy regarding faith and other forms of expiation.

Maalik, Ash Shaafi'ee, and Ahmad required faith while Aboo Haneefa and the Dhaahiree legal school did not. Those who did not require faith have said: If faith were required, Allaah the glorified would have said so as he did when mentioning the expiation of murder. In fact, Hanafee scholars have said: the stipulation of faith is an addition and an abrogation, but the Qur'aan can only be abrogated by the Qur'aan itself or a widely narrated prophetic tradition.

Whereas, the prophet (may Allaah send salutations upon him) said the following to someone who sought a ruling concerning the emancipation of a slave: (bring her to me). Thereafter, he asked: (where is Allaah) ? She replied: in the heavens. He asked: (who am I) ? She replied: you are the messenger of Allaah. As a result, he said: (emancipate her, because she is a believer). Ash Shaafi'ee has said: once she displayed faith, the prophet (may Allaah send salutations upon him) ordered her emancipation.

This states that an emancipation can only be valid if the slave is a believer.

In addition, the objective of emancipation is to free the slave so that he may worship his lord.

Chapter

The Expiation Of Dhihaar Is Not Waived Or Doubled Due To Premature Intercourse

The expiation of dhihaar is not waived or doubled due to premature intercourse. In fact, As Salt Bin Deenaar has said: I questioned ten legal scholars concerning one who has sex before the expiation of dhihaar and they replied: there is one expiation. He said: they were:

Al Hasan

Ibn Seereen

Masrooq

Bakr

Qataada

'Ataa

Taawoos

Mujaahid

He said: I believe that the tenth legal scholar was Naafi'.

This view was also maintained by Aboo Haneefa, Maalik, Ash Shaafi'ee, and Ahmad.

Ibn 'Umar and 'Amr Bin Al 'Aas have said that one must expiate twice in this case. Whereas, Sa'eed Bin Mansoor has mentioned that Al Hasan and

Ibraaheem have said that one must expiate three times, and it has been mentioned that Az Zuhree, Sa'eed Bin Jubayr, and Aboo Yoosuf have said that the expiation is waived. This is because the time has elapsed.

The response: an obligatory act remains outstanding even if it is not performed on time. As for the view that one must expiate twice, one expiation is for dhihaar and the other expiation is for unlawful intercourse. As for the view that one must expiate a third time, it seems that this expiation is a punishment. However, the ruling of the messenger of Allaah (may Allaah send salutations upon him) does not indicate that one must expiate a second or third time, and Allaah knows best.

The Ruling Of The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Concerning Eelaa

The glorified has said: **{those who withdraw from their wives must wait four months. If they desist, Allaah is forgiving and merciful. If they decide to divorce, Allaah is hearing and knowing}** [Al Baqara/226].

﴿لِّلَّذِينَ يُؤَلُّونَ مِن نِّسَائِهِمْ رَبُّصٌ أَرْبَعَةُ أَشْهُرٍ فَإِنِ قَاءُوا فَإِنَّ اللَّهَ غَفُورٌ رَّحِيمٌ ﴿٢٢٦﴾ وَإِن عَزَمُوا الطَّلَاقَ فَإِنَّ اللَّهَ سَمِيعٌ ﴿٢٢٧﴾﴾

﴿٢٢٧﴾ عَلَيْهِ السَّلَامُ [البقرة: 226-227]

The linguistic definition of eelaa is: a sworn refusal.

The legal definition of eelaa: a sworn refusal to have sex with ones wife.

The glorified has allowed a husband to refrain from having sex with his wife for four months. Once this period has elapsed, the husband must desist or divorce.

'Alee and Ibn 'Abbaas are to known to have said that eelaa occurs when one is angry since the prophet (may Allaah send salutations upon him) was angry when he withdrew from his wives. However, the majority opinion conforms with the Qur'aan.

Muhammad Bin Seereen and another man had a dispute. As a result, the man relied upon the statement of 'Alee, and Muhammad relied upon the Qur'aan. Thereafter, the man was silent.

The aforementioned verse indicates the following:

A vow to avoid ones wife for less than four months is not eelaa according to the majority.

A vow to avoid ones wife for four months is not eelaa as well, because once this time period has elapsed, the husband is obliged to desist or divorce. This is the majority opinion, though Aboo Haneefa differed due to his opinion that divorce ensues once four months has elapsed.

The early believers differed in this regard, thus Ash Shaafi'ee has said: Sufyaan and Yahya Bin Sa'eed have narrated that Sulaymaan Bin Yasaar has said: I met more than ten companions who halt eelaa once four months has elapsed. In addition, Suhayl Bin Abee Saalih has narrated that his father

has said: I questioned twelve companions of the messenger of Allaah (may Allaah send salutations upon him) concerning eelaa and they replied: it is inconsequential until four months has elapsed.

Conversely, ‘Abdullaah Bin Mas’ood and Zayd Bin Thaabit have said: if four months has elapsed and the husband has not desisted, divorce ensues. This was the view of Aboo Haneefa and his companions. Whereas, the majority opinion states that if the husband does not desist once four months has elapsed, a divorce is imposed.

Those who maintain that divorce ensues once four months has elapsed if the husband has not desisted have said:

Allaah the glorified has made the period of eelaa four months. Consequently, if the husband were to desist afterward, the period of eelaa would be extended.

A husband who has sex with his wife during the period of eelaa does so at the proper time. This indicates that he is not asked to desist once four months has elapsed.

Allaah the glorified and most high has said: **{if they desist, Allaah is forgiving and merciful. If they decide to divorce, Allaah is hearing and knowing}.**

﴿فَإِنْ قَامُوا فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ ﴿٣١﴾ وَإِنْ عَزَمُوا الطَّلَاقَ فَإِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ ﴿٣٢﴾﴾ [البقرة: 227]

This statement resembles the following statement: I will remain patient for four months, though if you do not pay your debt, I will have you detained. Namely, one would only surmise that the debt could be paid within four months time. Otherwise, the grace period would be extended.

The majority has said the following:

Allaah has said: **{if they desist, Allaah is forgiving and merciful}.**

﴿فَإِنْ قَامُوا فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ ﴿٣١﴾﴾ [البقرة: 227]

This was said after the period of eela was mentioned, thus one may infer that the husband desists once the period of eela has elapsed. Similarly, the glorified has said: **{divorce is twice, thus one must kindly retain his wife or relinquish her}** [Al Baqara/229].

﴿الطَّلَاقُ مَرَّتَانٍ فَإِمْسَاكٌ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ ﴿٢٢٩﴾﴾ [البقرة: 229]

I. e. after one has divorced her.

Allaah has said: **{if they decide to divorce}.**

﴿وَإِنْ عَزَمُوا الطَّلَاقَ ﴿٢٢٧﴾﴾ [البقرة: 227]

Similarly, he has said: **{do not decide to marry until the ‘idda period has concluded}** [Al Baqara/235].

﴿وَلَا تَعْزِمُوا عُقْدَةَ النِّكَاحِ حَتَّى يَبْلُغَ الْكِتَابُ أَجَلَهُ﴾ [البقرة: 235]

One may say: one who does not desist has decided to divorce. The response: you impose divorce even when one decides to desist, simply because the period of eela has elapsed.

The glorified has said: **{if they decide to divorce, Allaah is hearing and knowing}** [Al Baqara/227].

﴿وَإِنْ عَزَمُوا الطَّلَاقَ فَإِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ﴾ [البقرة: 227]

This necessitates that divorce is a statement which is heard.

Statement: you have four months to pay me, if you fail to do so, I will have you detained. Conclusion: payment or punishment will ensue once four months has elapsed.

The glorified has allowed the husband to wait for four months, though he has obliged him to divorce or desist. Whereas, you say that he is only obliged to desist. In addition, you do not say that he is allowed or obliged to divorce. Rather, you say that once the period of eela has elapsed, divorce ensues whether he likes it or not.

You say that one may desist within the period of eelaa which proves that it is sought therein, but deferred payment proves you wrong.

You say that the period of eelaa would be extended if one did not desist therein, though you are mistaken, because it is a grace period.

Chapter

One may ask: what is the ruling concerning a person who says: if I have sex with you, you are divorced three times?

The response: legal scholars have not agreed that this is a statement of eelaa. Ash Shaafi'ee maintained two views and two views have been attributed to Ahmad. As for Aboo Haneefa and Maalik, they maintained that one has sworn to avoid his wife if he says: if I have sex with you, you are divorced three times.

Since two opinions exist, is penetration possible? The companions of Ash Shaafi'ee and Ahmad have adopted the following two stances:

1. Penetration is not possible. In fact, it is unlawful, because it would effect a threefold divorce. Consequently, what would ensue would be unlawful as well. Similarly, when one who is fasting knows that he can penetrate before sunrise but cannot withdraw, he may not penetrate.

2. Although penetration leads to divorce, it is not unlawful, because the woman is not unlawful. In addition, withdraw is not prohibited, because it is an act of abandonment. Rather, it is prolonged penetration which is prohibited. Similarly, Ash Shaafi'ee has said: if a fasting man withdrew at sunrise, his fast would be valid. Otherwise, his fast would not be valid and

he would be obliged to expiate. Ash Shaafi'ee has said in Al Eelaa: if the husband penetrates, a threefold divorce ensues. However, if he withdraws his penis and inserts it, he is obliged to provide an appropriate dowry. This group has said: if one man said to another man: enter my home but do not remain, he could enter, though he would be obliged to exit.

A third group has said: sex is not unlawful and divorce does not ensue. Rather, the husband is told to divorce or desist. They have asked: how could he be unable to desist during the period of eelaa? Moreover, how could he be obliged to divorce, and if he could desist, how could divorce ensue? This was the stance of those who held that a vow to divorce is simply expiated. Namely, this was the view of the Dhaahiree legal school, Taawoos, 'Ikrima, and certain scholars of prophetic tradition. This view was also endorsed by Shaykhul Islaam Ibn Taymiyya.

The Ruling Of The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Concerning Li'aan

The most high has said: **{one who accuses his wife of adultery and cannot produce witnesses must swear by Allaah four times that he is truthful. He must then say: may Allaah curse me if I am lying. His wife may be acquitted if she swears four times that his oath is false. She must then say: may Allaah be angry with me if he is truthful}** [An Noor/6-9].

﴿وَالَّذِينَ يَرْمُونَ أَزْوَاجَهُمْ وَلَمْ يَكُنْ لَهُمْ شُهَدَاءُ إِلَّا أَنْفُسُهُمْ فَشَهَدُوا أَحَدُهَا أَرْبَعَ شَهَدَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الصَّادِقِينَ ﴿٦﴾

وَالْخَمْسَةَ أَنْ لَعْنَتُ اللَّهِ عَلَيْهِ إِنْ كَانَ مِنَ الْكَاذِبِينَ ﴿٧﴾ وَيَدْرَأُ عَنْهَا الْعَذَابَ أَنْ تَشْهَدَ أَرْبَعَ شَهَدَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ

الْكَاذِبِينَ ﴿٨﴾ وَالْخَمْسَةَ أَنْ غَضَبَ اللَّهُ عَلَيْهَا إِنْ كَانَ مِنَ الصَّادِقِينَ ﴿٩﴾﴾ [النور: 6-9]

Sahl Bin Sa'd has relayed in Al Bukhaaree and Muslim that 'Uwaymir Al 'Ajlaanee said to 'Aasim Bin 'Adee: ask the messenger of Allaah (may Allaah send salutations upon him) what one should do if he finds his wife with another man. However, the messenger of Allaah (may Allaah send salutations upon him) disliked enquiry such that 'Aasim became discouraged. Thereafter, 'Uwaymir questioned him and he replied: (I have received a revelation concerning you and your companion, so bring her to me). As a result, they invoked the curse of Allaah upon each another. Once they finished, 'Uwaymir said: I lied O messenger of Allaah, if only I could retain her. Thereafter, he divorced her three times before being ordered to do so. Sahl said: she was pregnant, and her son was attributed to her. It then became a prophetic tradition that the mother and child inherit from each other.

The following has also been narrated: so they invoked the curse of Allaah upon each other in the masjid, and he parted with her before the prophet (may Allaah send salutations upon him).

Ibn 'Umar has relayed in Saheeh Muslim that so and so the son of so and so asked: O messenger of Allaah, what should one do if he finds his wife with another man? However, the messenger of Allaah (may Allaah send salutations upon him) remained silent. Thereafter, the man returned to him and said: what I asked about has befallen me. As a result, Allaah the magnificent revealed the following verses in Soora An Noor: **{one who accuses his wife of adultery...}**.

﴿وَالَّذِينَ يَرْمُونَ أَزْوَاجَهُمْ...﴾ [النور: 6]

The prophet (may Allaah send salutations upon him) informed the man that the punishment of this life is less severe than the punishment of the next life. Thereafter, he said: by he who has sent you with the truth, I have not lied. The prophet (may Allaah send salutations upon him) also warned his wife, so she said: by he who has sent you with the truth, he is lying. The prophet (may Allaah send salutations upon him) began with the husband who swore by Allaah four times that he was truthful. He then said: may Allaah curse me if I am lying. Afterward, his wife swore by Allaah four times that his oath was false. She then said: may Allaah be angry with me if he is truthful, and they were separated.

It has been narrated in Al Bukhaaree and Muslim that the messenger of Allaah (may Allaah send salutations upon him) said the following to a couple who invoked the curse of Allaah upon each other: (by Allaah, one of you is lying, so will one of you repent) ?

It has been narrated in Al Bukhaaree and Muslim that a man invoked the curse of Allaah upon his wife, so the messenger of Allaah (may Allaah send salutations upon him) separated them and placed the child with the mother.

Al Bukhaaree has mentioned that Hilaal Bin Umayya accused his wife of committing adultery with Shareek Bin Sahmaa. As a result, the prophet (may Allaah send salutations upon him) said: (prove it or we will flog you). Hilaal said: O messenger of Allaah, if one finds a man on top of his wife, must he search for evidence? He replied: (prove it or we will flog you). Hilaal said: by he who has sent you with the truth, Allaah shall vindicate me. Thereafter, Jibreel descended with the following revelation: **{one who accuses his wife of adultery...}** [An Noor/6].

﴿وَالَّذِينَ يَرْمُونَ أَزْوَاجَهُمْ...﴾ [النور: 6]

As Hilaal swore, the prophet (may Allaah send salutations upon him) said: (Allaah knows that one of you is lying, so will one of you repent) ? As his wife reached the final testimony, she was informed that it is crucial. Ibn 'Abbaas said: we thought that she was about to leave, and then she said: I will not embarrass my people, and then she departed. As a result, the prophet (may Allaah send salutations upon him) said: (if her child is dark

eyed with corpulent calves and buttocks, then it belongs to Shareek Bin Sahmaa), and that was the case.

It has been narrated in Al Bukhaaree and Muslim that Sa'd Bin 'Ubaada asked: O messenger of Allaah, if one finds another man with his wife, should he kill him? He replied: (no, listen to the words of your master).

Another wording: O messenger of Allaah, if I find another man with my wife, must I produce four witnesses? He replied: (yes, listen to the words of your master. He is jealous, though I am more jealous than he, and Allaah is more jealous than I).

Another wording: if I found a man with my wife, I would kill him with my sword. Consequently, the prophet (may Allaah send salutations upon him) asked: (does the jealousy of Sa'd astonish you? By Allaah, I am more jealous than he, and Allaah is more jealous than I. As a result, he has prohibited immorality, and none is more jealous than he. However, an excuse is most beloved to him. As a result, he sent messengers to warn and evangelize. Similarly, praise is dearest to him, thus he has promised paradise).

Chapter

The following rulings derive from this prophetic judgement:

1. All couples may engage in li'aan, even if they are:

disbelievers

unreliable

convicted of slander

Ahmad has said: all couples may engage in li'aan. This was also the view of:

Maalik

Ishaaq

Sa'eed Bin Al Musayyib

Al Hasan

Rabee'a

Sulaymaan Bin Yasaar

The people of reason, Al Awzaa'ee, and Ath Thawree maintained that a couple may only engage in li'aan if they are:

believers

reliable

free

not convicted of slander

This view has also been attributed to Ahmad.

Allaah the glorified has referred to li'aan as a testimony, and the prophet (may Allaah send salutations upon him) has referred to it as an oath. Those

who consider it an oath have said: anyone whose oath is valid may engage in li'aan.

They have said: the most high has said: **{one who accuses his wife of adultery...}**.

﴿وَالَّذِينَ يَرْمُونَ أَزْوَاجَهُمْ...﴾ [النور: 6]

And this is a general statement.

They have said: the messenger of Allaah (may Allaah send salutations upon him) has referred to li'aan as an oath.

They have said: males and females are equal during li'aan, but they are not equal during testimony.

They have said: if li'aan were a testimony, the wording would not be repeated.

They have said: a husband who requires li'aan and a person whose testimony is valid are equal in terms of need, and what befalls the former befalls the latter. Consequently, the law could not provide recourse for one and not the other.

Those who consider li'aan a testimony have said:

Allaah the most high has said: **{one who accuses his wife of adultery and cannot produce witnesses must swear by Allaah four times that he is truthful}** [An Noor/6].

﴿وَالَّذِينَ يَرْمُونَ أَزْوَاجَهُمْ وَلَمْ يَكُنْ لَهُمْ شُهَدَاءُ إِلَّا أَنْفُسُهُمْ فَشَهَدَةُ أَحَدِهِمْ أَرْبَعُ

شَهَدَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الصَّادِقِينَ﴾ [النور: 6]

1. The glorified has made those who engage in li'aan the exception to the rule in terms of witnesses.

2. He has stated that li'aan is a testimony, and he clarified this when he said: **{his wife may be acquitted if she swears four times that his oath is false}**.

﴿وَيَدْرَأُ عَنْهَا الْعَذَابَ أَنْ تَشْهَدَ أَرْبَعَ شَهَدَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الْكَاذِبِينَ﴾ [النور: 8]

3. He has allowed li'aan to replace witnesses when they cannot be produced.

They have said: 'Amr Bin Shu'ayb, his father, and his grandfather have narrated that the prophet (may Allaah send salutations upon him) has said: (two slaves or two disbelievers may not engage in li'aan). Aboo 'Amr Bin 'Abdil Barr has mentioned this in At Tamheed.

Ad Daaraqutnee has mentioned that 'Amr Bin Shu'ayb, his father, and his grandfather have narrated that the prophet (may Allaah send salutations upon him) has said: (four couples may not engage in li'aan: a free man and a slave, a free woman and a slave, a Muslim man and a Jew, and a Muslim

man and a Christian).

They have said: one may only engage in li'aan if his testimony is valid, because li'aan replaces testimony.

They have said: a legal maxim states that the plaintiff is obliged to produce evidence while the defendant is obliged to swear. Since the husband is the plaintiff in this case, li'aan is a testimony.

They have said: li'aan has been named a testimony, because one says: I testify by Allaah.

The truth of the matter is that li'aan is a testimony as well as an oath. Namely, it is a testimony which is affirmed with an oath, and it is an oath which is affirmed with a testimony.

Li'aan is affirmed in ten ways:

1. One who engages in li'aan testifies.
2. One who engages in li'aan swears by a name of Allaah.
3. One who engages in li'aan uses inna, the letter laam, and an active participle instead of a verb.
4. One who engages in li'aan repeats himself four times.
5. One who engages in li'aan asks Allaah to curse him if he is lying.
6. One who engages in li'aan is reminded when reaching the final statement that it invokes the punishment of Allaah. He is also reminded that the punishment of this life is less severe than the punishment of the afterlife.
7. A man who engages in li'aan effects punishment, namely the prescribed punishment or detention. Whereas, a woman who engages in li'aan is acquitted.
8. A spouse is punished as a result of li'aan, either in this life or the afterlife.
9. A couple which engages in li'aan is separated.
10. A couple which engages in li'aan may never reunite.

During li'aan, the wife denies that she has committed adultery. Whereas, a husband would hate to level such an accusation. As a result, if the wife refuses to testify, she has corroborated his indictment. However, since his oath does not equal four witnesses, she may exonerate herself by swearing, though if li'aan were evidence, her oath would be immaterial.

If a wife does not engage in li'aan, is she punished or detained until she concedes or confesses?

Ash Shaafi'ee and the people of the Hijaaz have said: she is punished. Ahmad and the people of Iraq have said: she is detained until she concedes or confesses, though another narration states that she is left alone.

The people of Iraq have said: if li'aan could effect punishment, a woman could not exonerate herself by swearing.

They have said: if the husband were joined by three witnesses, the wife would not be punished. As a result, she could not be punished when the

husband is alone.

They have said: when a couple engages in li'aan, there is no punishment.

They have said: the prophet (may Allaah send salutations upon him) has said: (the plaintiff must provide evidence) , and the husband is undoubtedly the plaintiff in this case.

They have said: li'aan acquits the husband, though it does not convict the wife, because the prophet (may Allaah send salutations upon him) has said: (prove it or we will flog you).

'Umar Bin Al Khattaab said upon the minbar of the messenger of Allaah (may Allaah send salutations upon him) : all who commit adultery must be stoned, provided there is evidence, pregnancy, or a confession. This was also said by 'Alee. In any event, they designated three factors, though li'aan was not one of them.

They have said: Ash Shaafi'ee considered a refusal to testify inadmissible even in minor cases, so how could he act otherwise in this instance? In reality, if the wife confessed and recanted, she would not be punished. Consequently, she could not be punished for refusing to swear that she is not guilty.

They have said: as for the following statement of the most high: **{his wife may be acquitted if she swears four times that his oath is false}**, it could refer to the prescribed punishment or detention. In addition, 'Umar has said: all who commit adultery must be stoned, provided there is evidence, pregnancy, or a confession.

There is a discrepancy regarding a woman who does not engage in li'aan. Consequently, Ahmad has said: when a woman refuses to engage in li'aan, I force her to do so lest she be stoned. In fact, if she confessed and recanted, I would not stone her. However, another narration states that she is left alone, and Aboo Bakr chose this view, because the prescribed punishment is not binding.

Those who enforce the prescribed punishment have said: it is a well known fact that Allaah the glorified and most high has replaced witnesses with li'aan. In fact, he has allowed couples to act as witnesses, and he has said: **{his wife may be acquitted if she swears four times that his oath is false}**. This indicates that there is a cause for worldly punishment which only li'aan can prevent. The most high has said: **{and may a group of believers witness her punishment}** [An Noor/2].

﴿وَلْيَشْهَدْ عَذَابَهَا طَائِفَةٌ مِّنَ الْمُؤْمِنِينَ﴾ [النور: 2]

I. e. the prescribed punishment.

They have said: Allaah the glorified has repealed the punishment of slander and adultery in this case. As a result, the former punishment befalls the husband if he does not engage in li'aan, and the latter punishment befalls

the wife if she does not engage in li'aan.

They have said: you have said that if li'aan could effect punishment, a woman could not exonerate herself by swearing.

The response: since li'aan replaces witnesses, it is upon a lower level than evidence. In addition, a wife may challenge her husband by swearing, thus one would not know which oath is true. As a result, the wife could not be punished simply because her husband has sworn. However, if the wife refuses to vindicate herself, the indictment in question is corroborated.

They have said: you have said: if the husband were joined by three witnesses, the wife would not be punished. As a result, she could not be punished when the husband is alone.

The response: the wife is not punished due to a mere testimony. Rather, she is punished due to li'aan and her refusal to vindicate herself, and this is much more conclusive than the testimony of witnesses.

They have said: you have said: when a couple engages in li'aan, there is no punishment.

The response: li'aan is meant to protect the wife, and the most high has said: **{his wife may be acquitted if she swears four times that his oath is false}**.

﴿وَيَذَرُوهَا عَنْهَا الْعَذَابَ أَنْ تَشْهَدَ أَرْبَعَ شَهَدَاتٍ بِاللَّهِ﴾ [النور: 8]

As for the husband, li'aan necessitates punishment, thus the li'aan of the husband and the li'aan of the wife are not analogous.

They have said: as for the following statement of the prophet (may Allaah send salutations upon him) : (the plaintiff must produce evidence) , the li'aan of a husband is undoubtedly proof. In addition, some hold that a wife who refuses to swear has confessed while others hold that her refusal is evidence.

The prophet (may Allaah send salutations upon him) has said: (prove it or we will flog you) , though Allaah the glorified has not rescinded this. Rather, when one is unable to produce such evidence, one may resort to li'aan. However, since li'aan is upon a lower level than evidence, a refusal to swear corroborates the indictment in question.

They have said: you have said: li'aan acquits the husband, though it does not convict the wife, because the prophet (may Allaah send salutations upon him) has said: (prove it or we will flog you).

The response: if you meant that li'aan entails that the husband be spared the punishment of slander, you are right. However, if you meant that there are no repercussions in this case, you are absolutely wrong. Rather, li'aan causes the following repercussions:

- temporary or perpetual unlawfulness
- the denial of the child

the detention or stoning of the wife

They have said: you have said: ‘Umar Bin Al Khattaab said upon the minbar of the messenger of Allaah (may Allaah send salutations upon him) : all who commit adultery must be stoned, provided there is evidence, pregnancy, or a confession. This was also said by ‘Alee. In any event, they designated three factors, though li’aan was not one of them.

The response: your opponents say: if those who enforce the prescribed punishment in this regard are at variance with these companions, then those who waive the prescribed punishment in spite of pregnancy are also at variance with them.

They have said: Ash Shaafi’ee considered a refusal to testify inadmissible even in minor cases, so how could he act otherwise in this instance?

The response: Ash Shaafi’ee differentiated between an unsubstantiated refusal to testify and a refusal to testify during li’aan.

They have said: you have said: in reality, if the wife confessed and recanted, she would not be punished. Consequently, she could not be punished for refusing to swear that she is not guilty.

The response: the response has preceded.

They have said: you have said: as for the following statement of the most high: **{his wife may be acquitted if she swears four times that his oath is false}**.

﴿وَيَدْرَأُ عَنْهَا الْعَذَابَ أَنْ تَشْهَدَ أَرْبَعَ شَهَدَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الْكَاذِبِينَ﴾ [النور: 8]

It could refer to the prescribed punishment or detention. In addition, ‘Umar has said: all who commit adultery must be stoned, provided there is evidence, pregnancy, or a confession.

The response: if a wife deserves the punishment of the afterlife, li’aan will not protect her. Consequently, the verse in question refers to the prescribed punishment. In reality, this punishment was intended to purify the guilty. In fact, Allaah has said: **{and may a group of believers witness their punishment}** [An Noor/2].

﴿وَلْيَشْهَدْ عَذَابَهَا طَائِفَةٌ مِّنَ الْمُؤْمِنِينَ﴾ [النور: 2]

One may ask: what if the husband refuses to engage in li’aan after accusing his wife of adultery?

The response: he is punished for slander according to the majority of scholars. However, Aboo Haneefa has said: he is detained until he engages in li’aan or his wife confesses. The cause of this discrepancy is that some maintain that a husband who slanders his wife is like any other man. Whereas, others maintain that he is obliged to engage in li’aan. The former view was held by the majority and the latter view was held by Aboo

Haneefa. The majority argued that the most high has said: **{those who accuse chaste women of adultery and do not produce four witnesses must be flogged eighty times}** [An Noor/4].

﴿وَالَّذِينَ يَرْمُونَ الْمُحْصَنَاتِ ثُمَّ لَا يَأْتُوا بِأَرْبَعَةِ شُهَدَاءَ فَالِجُنَّاحُ وَهُمْ شَعْنَيْنِ جَلْدَهُنَّ اَرْبَعِينَ جَلْدَةً﴾ [النور: 4]

They also argued that the prophet (may Allaah send salutations upon him) said to Hilaal Bin Umayya: (prove it or we will flog you) (the punishment of this life is less severe than the punishment of the next life). The prophet (may Allaah send salutations upon him) said this to Hilaal Bin Umayya before he engaged in li'aan. Consequently, if the prescribed punishment were not mandatory, his speech would be meaningless.

Hilaal Bin Umayya accused a chaste free woman of adultery, thus he was like any other man. In addition, had he engaged in li'aan and recanted, he would be punished. This indicates that his action necessitated a punishment which could be waived through li'aan.

Abou Haneefa has said: when a husband accuses his wife of adultery, she must confess or he must engage in li'aan. If he fails to do so, he is detained. Whereas, another man has no rights in this regard.

The majority says: when a husband accuses his wife of adultery, he has defamed her. As a result, he deserves the prescribed punishment like any other man. However, he has the right to vindicate himself by engaging in li'aan, though if he fails to do so, he is punished.

Chapter

The Prophet (May Allaah Send Salutations Upon Him) Did Not Judge By Sight, But Rather By Revelation

The messenger of Allaah (may Allaah send salutations upon him) did not judge by sight, but rather by revelation and by what Allaah allowed him to see. As a result, he did not issue a ruling concerning the couple which engaged in li'aan until revelation arrived. Thereafter, he said to 'Uwaymir: (I have received a revelation concerning you and your companion, so bring her to me).

The prophet (may Allaah send salutations upon him) has said: (Allaah the magnificent has not questioned me concerning a practice which I have introduced). This applies to law and prophetic tradition. As for matters of consultation, Allaah has said: **{consult them}** [Aalu 'Imraan/159].

﴿وَشَاوِرْهُمْ فِي الْاَمْرِ﴾ [آل عمران: 159]

Consequently, there is room for opinion in this regard, and the prophet (may Allaah send salutations upon him) said the following concerning the pollination of the date-palm tree: (this is merely my opinion).

Chapter

Engaging In Li'aan Before The Imaam

The prophet (may Allaah send salutations upon him) ordered 'Uwaymir to return with his wife so that they could engage in li'aan. This indicates that a couple must engage in li'aan in the presence of the imaam or his deputy. Similarly, it is the imaam or his deputy who punishes offenders.

Chapter

Engaging In Li'aan Before A Group Of People

It is a prophetic tradition to engage in li'aan before a group of people, because Ibn 'Abbaas, Ibn 'Umar, and Sahl Bin Sa'd witnessed it despite their young age. This indicates that a large group was present, because boys follow men to such an event. Sahl Bin Sa'd said: they engaged in li'aan before the people while I was amongst the prophet (may Allaah send salutations upon him). Perhaps the wisdom of this method is that it is meant to discourage li'aan, and Allaah knows best.

Chapter

How Li'aan Is Conducted

A couple which engages in li'aan stands, and it has been narrated that the prophet (may Allaah send salutations upon him) said to Hilaal Bin Umayya: (rise and swear by Allaah four times).

When one stands, he is seen by others, thus his testimony is more profound. In addition, a person is vulnerable to a supplication which is uttered as he stands. For this reason, when Khubayb supplicated against the polytheists, Aboo Sufyaan placed Mu'aawiya on the ground.

Chapter

Li'aan begins with the husband as Allaah and his messenger have said. As a result, if the wife were to engage in li'aan first, her testimony would not be valid according to the majority. However, Aboo Haneefa differed.

Allaah the glorified began by mentioning the female fornicator, and he began by mentioning the husband who engages in li'aan. This is because the fornication of a woman is more harmful than the fornication of a man. Consequently, it was more important to begin with her. As for li'aan, it is the husband who slanders the wife, thus he is punished for refusing to swear. As a result, it was more important to begin with him.

Chapter

Both spouses are admonished before li'aan. Namely, they are reminded that the punishment of this life is less severe than the punishment of the next life, and they are admonished as such upon reaching the final testimony.

Chapter

The Wording Of Li'aan

The husband and wife may not swear less than five times, and the husband may not say "may Allaah be angry with me" etc. instead of saying "may Allaah curse me". Similarly, the wife may not say "may Allaah curse me" etc. instead of saying "may Allaah be angry with me". Rather, both spouses must swear as Allaah has intended, and this was the view of Maalik and Ahmad.

It is not necessary to exceed the wording which appears in the Qur'aan and the prophetic tradition. In fact, it is undesirable to do so. As a result, one should not say: I testify with Allaah who is the only deity worthy of worship as my witness. He is aware of what is hidden as he is aware of what is manifest. Rather, he should say: I testify with Allaah as my witness that I am truthful, and the wife should say: I testify with Allaah as my witness that he is lying.

What Ahmad has said seems to indicate that it not required to mention adultery during li'aan, because Ishaq Bin Mansoor has said: I asked Ahmad: how does one engage in li'aan? He replied: in accordance with the book of Allaah. One says four times: I testify with Allaah as my witness that I am truthful in terms of my accusation. He then says: my Allaah curse me if I am lying, and his wife does the same.

The wife says: in terms of his accusation, and those who have required this have said: the husband could mean that he is truthful regarding the testimony of monotheism etc. As for the wife, she could mean that he is lying regarding another matter. Consequently, if the accusation in question were mentioned, this interpretation would not be feasible.

Chapter

The husband must not say: I have not impregnated my wife, and this was the view of Aboo Bakr and some Maalikee and Dhaahiree scholars. Conversely, Ash Shaafi'ee has said: only the husband must mention the child. Al Kharqee has said: the husband and wife must mention the child, and Al Qaadee has said: the husband is required to say: this child is illegitimate. However, the view of Aboo Bakr is most accurate.

One may say: Maalik has relayed that Naafi' and Ibn 'Umar have narrated that the prophet (may Allaah send salutations upon him) separated a couple once the husband denied the child.

In addition, Sahl Bin Sa'd narrated the following: and she was pregnant, thus he denied the child.

The response: a distinction must be made. Namely, if a husband knew

that he impregnated his wife before engaging in li'aan, the child is undoubtedly his. However, if he was unaware that his wife was pregnant when accusing her of adultery, an inquiry begins. Namely, if his wife gives birth less than six months after his accusation, the child is his. However, if she gives birth more than six months after his accusation, another inquiry begins. Namely, if he did not seek her innocence before his accusation, the child could be his. As a result, he may deny it through li'aan, though if he fails to do so, the child is attributed to him due to the aforementioned possibility. Whereas, if he did seek the innocence of his wife, the child is rendered illegitimate through li'aan whether he denies it or not.

One may say: the prophet (may Allaah send salutations upon him) once ruled that a child would belong to the man whom it resembled. Based upon this, what would you say if a husband engaged in li'aan and denied his child before discovering that it resembled him?

The response: it seems that li'aan overrides the aforementioned ruling. As for the decision of the prophet (may Allaah send salutations upon him), his objective was to reveal the liar and not to rescind li'aan.

Chapter

When a husband accuses his wife of adultery and engages in li'aan, his punishment is repealed, and he must not mention the suspect. However, if he fails to engage in li'aan, he is punished for both allegations, but there is a discrepancy in this regard. As a result, Aboo Haneefa and Maalik have said: he engages in li'aan due to the wife and is punished due to the man. Ash Shaafi'ee has said: he is punished once, though his punishment is rescinded through li'aan. This was the view of Ahmad, and it has also been narrated that Ash Shaafi'ee has said: he is punished for both allegations, but if he mentions the suspect during li'aan, his punishment is rescinded. However, two views exist concerning a husband who does not mention the suspect during li'aan. One view states that he is punished if he does not comply, though another view states that his punishment is rescinded if he does.

Some of the companions of Ahma'd have said: an accusation of adultery does not exceed the wife.

Some of the companions of Ash Shaafi'ee have said: one is punished for both allegations. However, is one punished once or twice? Some of his companions have said that there is only one punishment. Whereas, the companions of Ash Shaafi'ee all agree that this punishment is repealed when the suspect is mentioned during li'aan. As for one who does not mention the suspect, the preferred opinion is that his punishment is also repealed.

As for those who rescind the punishment in question, their defense is strong. Namely, the prophet (may Allaah send salutations upon him) did not

punish the husband who accused Shareek Bin Sahmaa of having sex with his wife. However, some have responded by saying:

1. Shareek Bin Sahmaa was Jewish, hence the prescribed punishment did not apply.

2. Shareek Bin Sahmaa did not demand that his accuser be punished.

Some have responded by saying: 'Abdul 'Azeez Bin Bazeeza has said the following in his explanation of 'Ahkaam 'Abdil Haqq: scholars have differed concerning Shareek Bin Sahmaa. As a result, it has been said that he was Jewish, but this is incorrect. Rather, he was an ally of the ansaar and the brother of Al Baraa Bin Maalik.

Li'aan replaces evidence and witnesses when necessary. For this reason, a woman who refuses to testify is punished. As a result, if li'aan is akin to testimony in terms of one spouse, it should be akin to testimony in terms of the other spouse. In addition, it is inconceivable that a husband could be punished for slander once his wife has refused to testify.

If we were to consider li'aan an oath, it would vindicate the husband in terms of the suspect as it vindicates him in terms of the wife. Namely, because it is necessary that he accuse the suspect, and he may need to refer to him to cite a resemblance between him and the child. Similarly, the prophet (may Allaah send salutations upon him) proved that Hilaal Bin Umayya was truthful by citing the resemblance between Shareek Bin Sahmaa and the child. In addition, he has said: (prove it or we will flog you), though he did not say: prove it or we will flog you twice. Furthermore, the wife did not demand that her husband be punished.

One may ask: what do you say regarding one who accuses a man and woman of fornication, i. e. a man whom he identifies?

The response: there are two punishments in this case, because both parties have been accused of fornication, and the accuser has not vindicated himself.

Chapter

When a husband denies that he has impregnated his wife, the child is rendered illegitimate. As a result, he must not engage in li'aan a second time once the child is born.

There is a discrepancy in this regard, thus Aboo Haneefa has said: a husband cannot deny that he has impregnated his wife until she delivers. Similarly, Al Kharqee has said: a husband cannot deny that he has impregnated his wife until she delivers. Whereas, the majority has said that a husband may deny that he has impregnated his wife before she delivers due to the story of Hilaal Bin Umayya, because it states that the child was denied during pregnancy. Aboo Muhammad has said in Al Mughnee: Maalik, Ash Shaafi'ee, and a segment of the people of the Hijaaz have said that a husband may deny that he has impregnated his wife before she delivers due to the narration of Hilaal Bin Umayya.

One may ask: what do you say concerning a husband who says: you have committed adultery, though I have impregnated you?

The response: three views exist in this regard:

1. The husband cannot engage in li'aan. Rather, he is punished and the child is attributed to him.

2. The husband may engage in li'aan and the child may be rendered illegitimate.

3. The husband must engage in li'aan due to his accusation and the child is rendered illegitimate.

All of these views have been attributed to Maalik, and Ahmad held that the child may not be claimed or denied.

Chapter

Ibn 'Abbaas has said: consequently, the messenger of Allaah (may Allaah send salutations upon him) separated them, and he ruled that the child could not be claimed or denied. He also ruled that anyone who accused the mother or her child would be punished and that the husband was not obliged to provide food and housing.

Sahl said: her son was attributed to her. Thereafter, the mother and child would inherit from one another according to the prophetic tradition.

He also said: a couple which engaged in li'aan would be separated and would never reunite according to the prophetic tradition.

Az Zuhree has said: Sahl Bin Sa'd has said: the messenger of Allaah (may Allaah send salutations upon him) separated them and said: (they will never reunite).

The husband asked: O messenger of Allaah, what about my wealth? He replied: (you have no wealth since you have consummated your marriage).

Rulings And Positions

A couple which engages in li'aan is separated

A mere accusation prompts separation, this was the view of Aboo 'Ubayd. However, he is opposed by the majority.

When the husband engages in li'aan, separation ensues. This was the view of Ash Shaafi'ee only.

Separation can only occur when both spouses engage in li'aan. This was the view of Maalik, Ahmad, and the Dhaahiree legal school.

Separation can only occur when both spouses engage in li'aan and are divided by the judge. This was the view of Aboo Haneefa as well as Ahmad according to another narration. It was also the view of Al Kharqee who said: when both spouses engage in li'aan and are divided by the judge, they may never reunite. Those who maintained this view asserted that 'Uwaymir said: I lied O messenger of Allaah, if only I could retain her. Thereafter, he divorced her three times before being ordered to do so.

This athar is proof since it necessitates that he could retain his wife and that his divorce was valid. Consequently, li'aan alone does not cause

separation. In fact, the narration of Sahl Bin Sa'd states that 'Uwaymir divorced his wife three times and that the messenger of Allaah (may Allaah send salutations upon him) validated his divorce. Narrated by Aboo Daawud.

Those who maintain that li'aan itself separates a couple have said: li'aan necessitates perpetual unlawfulness irrespective of the judge. They have also said: if separation were caused by the judge, it could be rescinded at the request of the couple.

Chapter

Is Li'aan Divorce Or An Annulment?

Li'aan is an annulment and not a divorce according to Ash Shaafi'ee and Ahmad. Those who agreed with them asserted that it entails perpetual unlawfulness. They also asserted that li'aan is not an expression of divorce. They have asked: if evidence verifies that khula' is an annulment and not a divorce despite mutual consent, then how could li'aan equal divorce?

Chapter

Those Who Say That Li'aan Entails Perpetual Unlawfulness

Al Awzaa'ee has said: Az Zubaydee and Az Zuhree have narrated that Sahl Bin Sa'd said the following concerning the couple which engaged in li'aan: the messenger of Allaah (may Allaah send salutations upon him) separated them and said: (they will never reunite).

Al Bayhaqee has mentioned that Sa'eed Bin Jubayr and Ibn 'Umar have narrated that the prophet (may Allaah send salutations upon him) has said: (a couple which engages in li'aan may never reunite).

Al Bayhaqee has said: we have narrated that 'Alee and Ibn 'Abbaas have said: a couple which engaged in li'aan could never reunite due to the prophetic tradition.

Al Bayhaqee has said: it has been narrated that 'Umar Bin Al Khattaab has said: they are separated and may never reunite.

This was the view of Maalik, Ash Shaafi'ee, Ahmad, Aboo 'Ubayd, and Aboo Yoosuf.

It has also been narrated that Ahmad has said: if the husband recants, his wife becomes lawful. However, this narration is unusual, and the author of Al Mughnee has said: one should say that this narration applies to a couple which has not been separated by the judge.

This narration is unrestricted, and perpetual unlawfulness results from li'aan regardless of the judge, because the separation which li'aan causes is preponderant. Consequently, if retraction could affect this separation, it could definitely affect a lesser separation.

Chapter

The dowry of a woman who has had sex with her husband remains outstanding after li'aan, and it is not returned since the marriage has been consummated.

One may ask: what would you say if li'aan preceded sex? Would you impose ½ of the dowry, or would you waive it altogether?

The response: there are two positions in this regard, and both have been attributed to Ahmad.

Chapter

The messenger of Allaah (may Allaah send salutations upon him) ruled that the husband does not provide food or housing, and he ruled as such concerning a wife whose divorce prevents her return. In fact, it is more appropriate that a wife be denied food and housing due to li'aan, because she cannot be married during the 'idda period.

Chapter

The messenger of Allaah (may Allaah send salutations upon him) ruled that the child may not be attributed to the husband in this case, and this is the majority opinion. However, some legal scholars took an unusual stance claiming that li'aan repudiates pregnancy and not the child. Consequently, if the husband does not engage in li'aan until his wife gives birth, his punishment will be rescinded only. This was the view of Aboo Muhammad Bin Hazm.

In reality, the ruling in question does not negate that a child belongs to the owner of the bed, because the bed is immaterial during li'aan.

One may ask: what would you say if a husband said: this is not my child, but my wife has not committed adultery?

The response: Ash Shaafi'ee held two views in this regard, and both have been attributed to Ahmad.

1. Al Kharqee chose the view which states that there is no li'aan in this instance and that the child is imposed upon the husband.

2. Aboo Al Barakaat Ibn Taymiyya chose the view which states that a husband may engage in li'aan to deny the child.

One may say: but you have defied the ruling which states that a child belongs to the owner of the bed.

The response: the messenger of Allaah (may Allaah send salutations upon him) ruled that a child belongs to the owner of the bed when he claims him and that he does not belong to him when he denies him. Consequently, we are in accord with both decisions.

Chapter

A child is attributed to the mother when it cannot be attributed to her husband. However, there is a discrepancy in this regard.

One group has said: the child is attributed to the mother lest one believe

that it may only be attributed to the father. In fact, the prophet (may Allaah send salutations upon him) enjoined that one be punished for slandering the mother or her child, and this was upheld by Aboo Haneefa, Maalik, and Ash Shaafi'ee.

Another group has said: lineage is transferred to the mother, thus she is the heir of her child, and this was the view of Ibn Mas'ood.

Aboo Daawud has relayed that 'Amr Bin Shu'ayb, his father, and his grandfather have narrated that the prophet (may Allaah send salutations upon him) reserved the inheritance of the son of a mulaa'ana for her and her heirs.

Aboo Daawud has also relayed that Makhool has said: the messenger of Allaah (may Allaah send salutations upon him) reserved the inheritance of the son of a mulaa'ana for her and her heirs.

Chapter

The mother and her child may not be slandered, thus if anyone slanders the former or latter, he is punished. This is because li'aan has vindicated the mother, and this is the majority opinion. However, Aboo Haneefa has said: one who slanders the mother is punished if she does not have a child who cannot be attributed to her husband.

Chapter

When the husband engages in li'aan, his punishment is rescinded. Similarly, the child is not attributed to him, and this applies even moreso when the wife does not comply. In reality, it is worse for a child to be wrongly attributed to a man than it is for a man to be punished for slander. As a result, it is more necessary to deny such a child than it is to repeal punishment, thus li'aan achieves the former objective as well.

Chapter

A pregnant divorcee or widow is entitled to housing and a stipend. Consequently, one may deduce the following:

1. There is no housing or stipend for a woman whose divorce is baa'in if her husband has not impregnated her.
2. A divorcee or widow whose husband has impregnated her is entitled to housing and a stipend.

Chapter

***His Ruling Concerning The Child And The Owner Of The Bed
His Ruling Concerning The Female Slave And The Bed***

***His Ruling Concerning The Child Whom Is Claimed Once
The Father Has Died***

'Aa'isha has said: Sa'd Bin Abee Waqqaas and 'Abd Bin Zum'a had a dispute concerning a boy. As a result, Sa'd said: O messenger of Allaah, this

is my nephew, look at the resemblance. Thereafter, 'Abd Bin Zum'a said: this is my brother O messenger of Allaah, my father's slave gave birth to him in his bed. Consequently, the messenger of Allaah (may Allaah send salutations upon him) looked at the child and noticed a resemblance between him and 'Utba Bin Abee Waqqaas, so he said: (he is yours 'Abd Bin Zum'a. A child belongs to the owner of the bed, and an adulterer is stoned. O Sawda, avoid him). As a result, Sawda never saw him again. Narrated by Al Bukhaaree and Muslim.

This decision is the basis of the following rulings:

Lineage is verified by the bed upon which the child is born.

A female slave can be the owner of the bed.

When a child does not resemble the owner of the bed, the bed is more substantial than resemblance.

Qiyaafa can reveal lineage.

This nation agrees that lineage is verified by the bed upon which the child is born, and lineage is determined by four factors:

the bed upon which the child is born

a claim of fatherhood

evidence

qiyaafa

Aboo Haneefa has said: a slave cannot become the owner of the bed upon her first delivery, hence the child is not attributed to the master unless he claims it.

Whereas, the prophet (may Allaah send salutations upon him) attributed a child to 'Abd Bin Zum'a, but he did not ask if the slave gave birth beforehand.

Chapter

Legal scholars differ concerning the factors which render a wife the owner of the bed. Consequently, three views exist in this regard:

1. A marriage contract renders a wife the owner of the bed, even if her husband has not had sex with her. This was the view of Aboo Haneefa.

2. A marriage contract renders a wife the owner of the bed when her husband has possibly had sex with her. This was the view of Ash Shaafi'ee and Ahmad.

3. A marriage contract renders a wife the owner of the bed when her husband has had sex with her. This was the choice of Ibn Taymiyya who asked: how could a woman become the owner of the bed when her husband has not had sex with her? Is a woman considered the owner of a bed before her husband has had sex with her in terms of language and custom, and could the law attribute a child to a man who has not had sex with his wife? In reality, a woman cannot become the owner of a bed unless her husband

has had sex with her, and Ahmad indicated this as Harb has narrated. In fact, the legal theory of Ahmad necessitates this, and Allaah knows best.

There is also a discrepancy regarding what renders a female slave the owner of a bed. However, the majority opinion states that her husband must have sex with her.

Chapter

Legal scholars agree that a father may claim his child. As for the grandfather, the child may be attributed to him in his absence.

The same rule applies to the brother, because lineage is verified with the acknowledgement of an heir, and this was the view of Ash Shaafi'ee and Ahmad.

Chapter

When two heirs testify that a child belongs to the father, lineage is verified and heirs who object are ignored.

Chapter

The messenger of Allaah (may Allaah send salutations upon him) ruled that lineage is verified through qiyaafa.

The prophet (may Allaah send salutations upon him) said the following concerning the son of a mulaa'ana: (if the child is such and such, it belongs to Hilaal Bin Umayya. Whereas, if it is such and such, it belongs to Shareek Bin Sahmaa).

The prophet (may Allaah send salutations upon him) has informed us that if the semen of a man precedes the semen of a woman, the child will resemble the man. Whereas, if the semen of a woman precedes the semen of a man, the child will resemble the woman. As a result, the rightly guided successors ruled as such.

Sa'eed Bin Mansoor has said: Sufyaan, Yahya Bin Sa'eed, and Sulaymaan Bin Yasaar have narrated that if two men had sex with a woman and a qaa'if declared both of them the father of the child, 'Umar would rule accordingly.

Ash Shu'ba has said: 'Alee says: the child belongs to both of them, and they are heirs.

Al Athram has relayed that Sa'eed Bin Al Musayyib has narrated that two men impregnated a woman and that the child resembled them. As a result, 'Umar Bin Al Khattaab summoned a group and they said: we feel that the child resembles them, so he attributed it to them and made them heirs.

Not one companion was known to have challenged 'Umar and 'Alee. In fact, 'Umar announced his decision in Al Madeena amongst the muhaajiroon and ansaar, though none of them opposed him.

Hanafee scholars have said: it is a well known fact that a non-relative can resemble a person while a family member does not. In addition, although you have mentioned the story of Usaama and Zayd, you have forgotten the story of the child who did not resemble it's parents. Namely, the prophet (may Allaah send salutations upon him) did not allow the father to deny the child, nor did he consider resemblance or the lack thereof. In reality, if resemblance were significant, li'aan would not be necessary. In fact, the child could not be denied if it resembled the husband. Whereas, the prophetic tradition indicates that a child actually can be denied in this instance, because the messenger of Allaah (may Allaah send salutations upon him) has said: (if the child is such and such, it belongs to Hilaal Bin Umayya).

They have said: as for the story of Usaama, the hypocrites denied that Zayd was his father due to his complexion, even though Zayd was the owner of the bed upon which Usaama was born. Nevertheless, Allaah and his messenger ruled that Usaama was indeed the son of Zayd. Consequently, when the qaa'if ruled as such, the prophet (may Allaah send salutations upon him) was delighted that he agreed with him and that the hypocrites were disproven. However, the testimony of the qaa'if did not verify that Usaama was the son of Zayd, so how could lineage be substantiated as such?

They have said: as for 'Umar, it has also been narrated that he ignored the qaa'if.

They have said: you uphold resemblance even when the acknowledgement of an heir is denied by other heirs, though you have said: lineage is not verified when heirs do not accept an acknowledgement.

The people of prophetic tradition have said: we verify lineage with the aid of an expert who relies upon a clear sign and a preponderant notion. In fact, many rulings are supported by these entities.

Although a non-relative can resemble a person while a family member does not, it is a rare occurrence. Whereas, rulings are based upon common occurrences.

As for the story of the woman who delivered a black child, it proves you wrong. In actuality, it indicates that people are inclined to consider resemblance and that the lack thereof arouses suspicion. However, the owner of the bed is more conclusive. As a result, we say: the owner of the bed cannot be challenged by resemblance.

Similarly, li'aan is more preferable than resemblance, because it is more conclusive. However, this does not mean that the latter may not be considered in the absence of greater evidence.

As for the fact that Usaama was related to Zayd irrespective of qiyaafa, we have not relied upon qiyaafa to verify his lineage. Rather, qiyaafa is a

proof which concurs with the owner of the bed.

As for the narration which states that ‘Umar ignored the qaa’if, it has not been verified.

As for the fact that the lineage of a brother is verified by the acknowledgement of an heir despite the objection of other heirs, another factor is considered as well, i. e. qiyaafa.

The truth of the matter is that one qaa’if is sufficient since qiyaafa is a statement. However, it has also been narrated that Ahmad considered qiyaafa a testimony, thus a second qaa’if and a sworn statement are necessary according to this narration.

One may ask: how could two men impregnate one woman?

The response: there is nothing to prevent the sperm of the second man from reaching the womb. Similarly, the semen of the man precedes the semen of the woman and vice versa. In fact, successive sexual intercourse yields robust offspring, provided there is no impediment, and Ahmad has said: successive sexual intercourse improves the hearing and vision of the child. In addition, the prophet (may Allaah send salutations upon him) compared successive sexual intercourse to irrigation, and it is a well known fact that irrigation enriches agriculture, and Allaah knows best.

One may ask: what would you say concerning a fornicater who claims a child when there is no owner of a bed to challenge him?

The response: there is a discrepancy in this regard. Consequently, Ishaq Bin Raahawayh held that a child is attributed to a fornicater when there is not an owner of the bed to challenge him. As for the following statement of the prophet (may Allaah send salutations upon him) : (the child belongs to the owner of the bed) , Ishaq Bin Raahawayh held that it applies when the owner of the bed and the fornicater argue. This was the view of Al Hasan Al Basree

Sound analogy necessitates this stance, because the father is one of two fornicaters. In addition, they are mutual heirs, and the father is attributed to the mother despite their illicit relationship. Furthermore, they both agree that the child is theirs, so what would prevent the child from being attributed to the father when there is no one to challenge him? In fact, when Jurayj asked the boy who is father was, he replied: so and so, the herder. However, it was Allaah who made him speak, so he could not have lied.

Chapter

The Ruling Of The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Concerning The Illegitimate Child And Inheritance

Aboo Daawud has mentioned that Ibn ‘Abbaas has said: the messenger of

Allaah (may Allaah send salutations upon him) has said: (one may not fornicate with a slave in Islaam).

The prophet (may Allaah send salutations upon him) abolished this practice, thus it was no longer a means by which lineage could be verified.

There were people during the period of ignorance who had unchaste slaves. As a result, when one of them would deliver, the child would be claimed by the master and a fornicator. This dispute continued until the messenger of Allaah (may Allaah send salutations upon him) ruled that the child belongs to the master, because it is he who is the owner of the bed.

When an heir claims the child, it is attributed to him, provided the mother was a slave and was impregnated by her master.

Since the lineage of the child is renewed, it may not receive a previously divided inheritance, and one who accepts Islaam may not receive a previously divided inheritance either.

The Ruling Of 'Alee Bin Abee Taalib Concerning A Group Which Impregnated A Woman

Aboo Daawud and An Nasaa'ee have narrated with a sound isnaad that Zayd Bin Arqam has said: three men had sex with a woman within one period of purity. Thereafter, they came to 'Alee Bin Abee Taalib while he was in Yemen. He asked two of them: do you acknowledge this child? However, they replied: no. He then asked all of them the same question, but they all replied: no. As a result, he held a lottery and attributed the child to the one who was chosen, he also imposed 2/3 of the bloodwit. Once he informed the prophet (may Allaah send salutations upon him), he laughed until his molar teeth were visible.

There is a discrepancy concerning this ruling, thus it was upheld by Ishaq Bin Raahawayh who said: the lottery is a prophetic tradition. Ash Shaafi'ee also upheld this practice originally. However, Ahmad preferred qiyaafa.

It has been said that the lottery does not contradict qiyaafa. Rather, qiyaafa is employed when possible, otherwise the lottery is employed, and Allaah knows best.

Chapter

The Ruling Of The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Concerning Custody

Aboo Daawud has relayed that 'Amr Bin Shu'ayb, his father, and his grandfather have narrated that a woman said: although I carried and nursed this child, his father has divorced me, and now he seeks custody. As a result, the messenger of Allaah (may Allaah send salutations upon him) said to her: (he is yours as long as you do not marry).

It has been narrated in Al Bukhaaree and Muslim that Al Baraa Bin

'Aazib has narrated that 'Alee, Ja'far, and Zayd had a dispute concerning the daughter of Hamza. Consequently, 'Alee said: I am most entitled to her, because she is my cousin. Thereafter, Ja'far said: she is my cousin and her aunt is my wife, and Zayd said: she is my niece. Finally, the messenger of Allaah (may Allaah send salutations upon him) ruled in favor of Ja'far, and he said: (the maternal aunt and the mother are akin).

It has been relayed in the Sunan collections that Aboo Hurayra has narrated that the messenger of Allaah (may Allaah send salutations upon him) allowed a boy to choose between his mother and father. At Tirmidhee has said: this is an authentic prophetic tradition.

It has also been narrated in the Sunan collections that the messenger of Allaah (may Allaah send salutations upon him) said: (choose your mother or your father). At Tirmidhee has said: this is an authentic (hasan saheeh) prophetic tradition.

It has been relayed in An Nasaa'ee that 'Abdul Hameed Bin Salama Al Ansaaree and his father have relayed that his grandfather accepted Islaam. However, his wife refused to do so. As a result, the prophet (may Allaah send salutations upon him) sat them in two different places and told their son to choose whichever parent he wished. He then said: (O Allaah, guide him) , and he went to his father.

Aboo Daawud has narrated that 'Abdul Hameed Bin Salama Al Ansaaree has said: my grandfather Raafi' Bin Sinaan informed me that he accepted Islaam, though his wife refused to do so. Consequently, the messenger of Allaah (may Allaah send salutations upon him) sat them on two different sides, he then placed their daughter between them and said: (call her). Since she leaned toward her mother, the prophet (may Allaah send salutations upon him) said: (O Allaah, guide her) , thus she leaned toward her father who took her.

The Aforementioned Rulings

As for the narration of 'Amr Bin Shu'ayb, it is the only prophetic tradition which states that marriage prevents custody. Nevertheless, this ruling was upheld by Aboo Haneefa, Maalik, Ash Shaafi'ee, and Ahmad.

The statement "I carried and nursed this child" was a plea for preferential treatment. However, if it were immaterial, it would not have influenced the decision of the prophet (may Allaah send salutations upon him).

This prophetic tradition proves that a person may be judged in his absence. Otherwise, the prophet (may Allaah send salutations upon him) would not have accepted her statement, nor would he have ruled in favor of her.

Chapter

Which Parent Is Most Entitled To The Child?

The aforementioned prophetic tradition indicates that the mother is most

entitled to the child upon separation if no obstacle stands in her way, and also if freedom of choice is unwarranted. As a result, Aboo Bakr ruled as such and was uncontested, and 'Umar ruled similarly.

Maalik has narrated that Yahya Bin Sa'eed has said: I heard Al Qaasim Bin Muhammad say: 'Umar Bin Al Khattaab was married to a woman of the ansaar. After she gave birth to 'Aasim, he divorced her. One day, 'Umar found him playing in the courtyard of the Qubaa mosque, so he placed him upon his riding animal. Thereafter, 'Aasim was spotted by his grandmother, then she pulled him. As a result, she and 'Umar went to Aboo Bakr As Siddeeq, and both of them said: he is my son. Consequently, Aboo Bakr said: do not stand between them, and 'Umar complied.

Ibn 'Abdil Barr has said: this is a well known athar which scholars have accepted. As for the wife of 'Umar, she was Jameela the daughter 'Aasim Bin Thaabit Bin Abee Aflah Al Ansaaree.

The following has been said: this proves that 'Umar was at variance with Aboo Bakr and that he accepted his decision. In fact, 'Umar ruled as such during his reign, and the companions did not differ.

'Abdur Razzaaq has mentioned that Ibn Jurayj and 'Ataa Al Khurasaanee have narrated that Ibn 'Abbaas has said: 'Umar Bin Al Khattaab divorced his wife, then they met between Al Madeena and Qubaa while she was carrying 'Aasim. Thereafter, 'Umar pulled his hand until he began to cry, and then he said: I am more entitled to him than you. As a result, they went to Aboo Bakr who judged in favor of the mother. He said: she is more suitable than you, though he may choose when he matures.

Ath Thawree and 'Aasim have narrated that 'Ikrima has said: 'Umar and his ex-wife went to Aboo Bakr who said: the mother is more kind, caring, and merciful. He is hers as long as she does not marry.

It has been mentioned that Ma'mar has said: I have heard Az Zuhree say: Aboo Bakr issued a ruling concerning 'Umar, his ex-wife, and their son. He said: he is hers as long as she does not marry.

One may ask: did 'Umar have a dispute with the mother and then the grandmother, or did he only have a dispute with one of them?

The response: if 'Umar had a dispute with the mother, the matter is clear. Whereas, if he had a dispute with the grandmother, then the decision of As Siddeeq would indicate that the mother is preferred.

Chapter

Various Forms Of Parental Authority

Parental authority is of two types. Namely, the father is preferred in terms of marriage and finance while the mother is preferred in terms of nursing and custody.

Since women are better equipped to rear children, the mother is given custody.

Since men are more apt to protect the interests of children, the father is entrusted with marriage and finance.

With this being said, is the mother given custody because her side of this family is preferred, or is she given custody because women are better equipped to rear children?

Two views have been attributed to Ahmad in this regard:

1. The relatives of the mother are chosen.

2. The relatives of the father are chosen, and this is more accurate. Al Kharqee has said: the sister by way of the father is more entitled to the child than the sister by way of the mother and the maternal aunt, and the maternal aunt of the father is more entitled to the child than the maternal aunt of the mother. In light of this, the paternal grandmother is more entitled to the child than the maternal grandmother, and this was the view of Shaykhul Islaam Ibn Taymiyya.

Similarly, the male relatives of the father are more preferable than the male relatives of the mother. As a result, the paternal uncle is more preferable than the maternal uncle, provided the male relatives of the mother deserve custody. In light of this, the paternal grandmother is more preferable than the maternal grandmother.

In reality, the mother is given custody because women are better equipped to rear children. Consequently, the paternal grandmother is more preferable than the maternal grandmother, and the sister by way of the father is more preferable than the sister by way of the mother, and the paternal aunt is more preferable than the maternal aunt. Similarly, the paternal grandmother is more preferable than the paternal grandfather, and the mother is more preferable than the father.

One may say: the maternal aunt is connected to the mother and the paternal aunt is connected to the father. Consequently, since the mother is more preferable than the father, those who are connected to her are more preferable as well. In fact, the maternal aunt and the mother are akin as the prophet (may Allaah send salutations upon him) has said. As a result, the paternal aunt and the father are also akin.

The response: we have clarified that the mother is not given custody because her side of the family is preferred, but rather because women are better equipped to rear children. As a result, when a maternal aunt and a paternal aunt are found, so is the instinct which makes a mother more preferable in this regard. In addition, the paternal aunt holds the distinction of being connected to the father which is the strongest bond. Furthermore, the prophet (may Allaah send salutations upon him) gave the daughter of Hamza to her maternal aunt, and he said: (the maternal aunt and the mother are akin). This is because Hamza did not have any relatives who equaled her in terms of rank.

One may say: the daughter of Hamza had a paternal aunt named Safiyya Bint ‘Abdil Muttalib who was in Al Madeena at the time. In fact, she killed a Jew during the battle of Al Khandaq, thus she was the first woman to kill a polytheist. She also lived until the reign of ‘Umar.

In any event, the prophet (may Allaah send salutations upon him) chose a maternal aunt instead of her which indicates that the mother’s side of the family is preferred.

The response: this would be true if Safiyya sought custody beforehand and was eligible, because she died in 20 at the age of seventy-three. As a result, she would have been in her fifties at the time of the verdict, thus it is possible that she did not seek custody due to her age. Whatever the case may be, a woman is entitled to seek custody, so if she fails to do so, the opportunity is given to someone else.

In general, the aforementioned prophetic tradition indicates that the maternal aunt is more preferable than the paternal aunt, provided Safiyya sought custody of her niece.

Our teacher Shaykhul Islaam Ibn Taymiyya has said: since custody requires compassion, those who are most caring are most entitled, namely the relatives of the child. As a result, the nearest and kindest of them are preferred.

When two or more relatives of equal rank assemble, the female is more preferable than the male. However, when relatives are of one gender, a lottery is held, and when they are not of equal rank, the nearest of them is chosen if they are from one side of the family.

Chapter

The prophet (may Allaah send salutations upon him) has said: (he is yours as long as you do not marry). This proves that the mother is entitled to custody. However, some legal scholars consider custody a right while others consider it an obligation. Based upon this, one may ask: can custody be waived, and must one be compensated for service? As for the first question, two views exist. As for the second question, if we were to say that custody is a right, then compensation would be warranted. Whereas, if we were to say that it is an obligation, then free service would be mandatory. However, if one were needy, he could be compensated according to one opinion.

If a wife gave her husband the gift of custody, she could not retract it, provided custody is a right. Otherwise, it could be reclaimed.

Chapter

There is a discrepancy concerning the statement: (as long as you do not marry). Namely, is only a marriage contract implied, or is a marriage contract as well as sexual intercourse implied? Two views exist.

1. The marriage contract itself repeals custody according to Aboo

Haneefa and Ash Shaafi'ee, because it enables the husband to enjoy his wife.

2. Only sexual intercourse can rescind custody, because once a marriage is consummated, the wife is preoccupied, and this was the view of Maalik.

Although the view of Aboo Haneefa and Ash Shaafi'ee and the view of Maalik are both plausible, it seems that the former view is more accurate, because the wife is preoccupied once the marriage contract is finalized. Thereafter, she prepares for consummation.

Chapter

The Loss Of Custody Due To Marriage

There are four views in this regard:

1. Custody is lost due to marriage whether the child is male or female. This was the view of Aboo Haneefa, Maalik, Ash Shaafi'ee, and Ahmad.

Ibn Al Mundhir has said: this was the view of scholars whose statements I memorize.

2. Custody is not lost due to marriage, and there is no difference between a woman who is married and one who is not. This was the view of Muhammad Bin Hazm, and it has been narrated that it was also the view of Al Hasan Al Basree.

3. Custody is not lost due to the marriage if the child is a girl. This was the view of Ahmad according to another narration.

4. Custody is not lost due to marriage if the husband is related to the child. However, there is a discrepancy regarding the husband himself.

The companions of Ahmad have said that the husband must only be a relative of the child.

The companions of Aboo Haneefa have said that the husband must be a relative whom the daughter may not marry.

Maalik and some of the companions of Ahmad have said that the husband must be the grandfather of the child.

Those who rescinded custody due to marriage have relied upon the following evidence:

1. the narration of 'Amr Bin Shu'ayb

2. the consensus of the companions

Aboo Bakr said to 'Umar: she is entitled to him as long as she does not marry, and 'Umar agreed. In fact, none of the companions differed.

3. the narration of 'Abdur Razzaaq

'Abdur Razzaaq has said: Ibn Jurayj, Aboo Az Zubayr, and a righteous man from Al Madeena have narrated that Aboo Salama Bin 'Abdir Rahmaan has said: a woman of the ansaar was married to a man of the ansaar, though he was killed on the day of Uhud. Thereafter, her son's uncle and another man proposed to her, so she came to the prophet (may Allaah

send salutations upon him) and said: my father has joined me in matrimony with a man whom I dislike, and my child has been taken, though his uncle proposed to me. As a result, the messenger of Allaah (may Allaah send salutations upon him) called her uncle and asked: (have you joined so and so and so and so in matrimony) ? He replied: yes, so he said: (go marry your son's uncle).

He did not object when he learned that custody was lost due to marriage. In fact, he joined the woman in matrimony with her son's uncle so that she could regain custody. This proves that custody is lost due to marriage and that it remains when the husband is related to the child.

Conversely, Aboo Muhammad Bin Hazm has asserted that the messenger of Allaah (may Allaah send salutations upon him) awarded custody even though the mother was married to Ja'far. However, there are three views regarding the story of Hamza's daughter:

1. Marriage does not rescind custody.
2. Custody is not lost due to marriage when the child is a girl.
3. Custody is not lost due to marriage when the husband is related to the child.

Chapter

Custody And The Sinful Mother

Although the prophet (may Allaah send salutations upon him) said: (he is yours as long as you do not marry) , one may not deduce that his statement applies to all mothers. As a result, if evidence were found which indicates that various characteristics are material, there would be no contradiction.

One who seeks custody must meet six requirements:

A disbeliever may not be awarded custody of a Muslim for two reasons:

1. When one is awarded custody, he raises the child upon his religion, and it is unlikely to convert once it matures. In fact, the prophet (may Allaah send salutations upon him) has said: (every infant is born with natural disposition, thus it's parents make it a Jew, Christian, or Magian). Consequently, one who is awarded custody could possibly convert a Muslim to Judaism or Christianity.

One may say: this prophetic tradition applies exclusively to parents.

The response: a child is usually raised by it's parents, so if one or both of them die, a relative is awarded custody.

2. Allaah the glorified has ended interfaith support, and custody is one of the greatest causes of aid.

Conversely, Ibn Al Qaasim, Aboo Thawr, and the people of reason have said: a disbelieving woman could be awarded custody of a Muslim, and they rely upon the narration of 'Abdul Hameed Bin Ja'far and his father which states that his grandfather Raafi' Bin Sinaan accepted Islaam while his wife

refused to do so. As a result, she came to the prophet (may Allaah send salutations upon him) and said: this is my daughter, and so did Raafi'. Consequently, the prophet (may Allaah send salutations upon him) seated them in two different places and said: (call her). Thereafter, the girl leaned toward her mother, so the prophet (may Allaah send salutations upon him) said: (O Allaah, guide her) , and she leaned toward her father who took her.

They have also said: custody is awarded so that the child may be nursed and cared for, and a disbelieving woman may do this.

Others have said: 'Abdul Hameed Bin Ja'far Bin 'Abdillaah Bin Al Hakam Bin Raafi' Ibn Sinaan Al Ansaaree Al Awsee has been declared weak by Yahya Bin Sa'eed Al Qattaan, and Ibn Al Mundhir and others have declared this narration unreliable. For example, it has been narrated that the child was a boy and it has also been narrated that it was a girl.

In addition, this narration is used to prove that one must be Muslim in order to seek custody, because when the girl leaned toward her mother, the prophet (may Allaah send salutations upon him) asked Allaah to guide her.

It is astonishing that people could say that a sinner may not be awarded custody. Whereas, disbelief is the greatest sin, and a disbelieving guardian could be much more harmful than a sinful guardian. In reality, if piety were a prerequisite of custody, the children of the world would be forsaken.

Yes, reason is a prerequisite of custody, thus one who is mentally ill, mentally challenged, or juvenile is ineligible, because he would need a guardian himself.

As for freedom, it does not seem that it is a prerequisite of custody. Whereas, Maalik has said the following concerning a slave who bears the child of a free man: the mother is entitled to the child unless she is sold and taken away. This is the correct opinion, because the prophet (may Allaah send salutations upon him) has said: (if one separates a mother and child, Allaah will separate him and his beloved on the day of resurrection).

As for unification of the home, a resident is entitled to custody, because travel can endanger a child, especially if it is nursing. As for a safe path, two views have been attributed to Ahmad:

1. When a path is safe, the father is awarded custody so that he may raise the child. This was the view of Maalik and Ash Shaafi'ee.

2. When a path is safe, the mother is awarded custody.

3. When the father relocates, the mother is entitled to custody. She is also entitled to custody when she relocates to the locale in which she was married. This is the view of Hanafee scholars. However, it has been narrated that Aboo Haneefa held that the father deserves custody when the mother relocates from a city to a village. In any event, there is no conclusive evidence in this regard as you can see.

In reality, it is the welfare of the child which is considered. However, this

does not apply when relocation is meant to cause distress, and success lies with Allaah.

Chapter

Those who rejected freedom of choice asserted that the prophet (may Allaah send salutations upon him) has said: (you are entitled to him). Consequently, if freedom of choice were viable, the mother could only be entitled if chosen by the child.

If we were to say that the implicit meaning of: (you are entitled to him) is: if you are chosen, that would apply to the father. Whereas, the prophet (may Allaah send salutations upon him) ruled that the mother is absolutely entitled to custody when challenged, and this was upheld by Aboo Haneefa and Maalik.

We will now mention various positions in this regard, and we will defend the view which is in accord with the prophetic tradition.

The View Of Aboo Bakr As Siddeeq

'Abdur Razzaaq has mentioned that Ibn Jurayj and 'Ataa Al Khurasaanee have narrated that Ibn 'Abbaas has said: 'Umar Bin Al Khattaab divorced his wife...Thereafter, Ibn 'Abbaas mentioned the following statement: she will be better for him than you until he matures and can choose for himself.

'Umar Bin Al Khattaab

Ash Shaafi'ee has said: Ibn 'Uyayna, Yazeed Bin Yazeed Bin Jaabir, Ismaa'eel Bin 'Ubaydillaah Bin Abee Al Muhaajir, and 'Abdur Rahmaan Bin Ghanam have narrated that 'Umar Bin Al Khattaab allowed a boy to choose between his parents.

'Abdur Razzaaq has said: Ibn Jurayj has narrated that 'Abdullaah Bin 'Ubayd Bin 'Umayr has said: 'Umar allowed a boy to choose between his parents, so he chose his mother and they departed.

'Abdur Razzaaq has mentioned that Ma'mar, Ayyoob, and Ismaa'eel Bin 'Ubaydillaah have narrated that 'Abdur Rahmaan Bin Ghanam has said: 'Umar Bin Al Khattaab issued a ruling concerning a boy, and he said: he will remain with his mother until he is able to choose.

Sa'eed Bin Mansoor has mentioned that Hushaym and Khaalid have narrated that Al Waleed Bin Muslim has said: 'Umar Bin Al Khattaab allowed an orphan to choose, so he chose his mother instead of his uncle. As a result, 'Umar said: your mother's kindness is better than your uncle's generosity.

'Alee Bin Abee Taalib

Ash Shaafi'ee has said: Ibn 'Uyayna and Yoonus Bin 'Abdillaah have narrated that 'Amaara has said: 'Alee allowed me to choose between my mother and uncle, then he said the following concerning my younger brother: I would allow him to choose as well if he were mature. Ash

Shaafi'ee has said: Ibraaheem, Yoonus, and 'Amaara have narrated a similar statement with the addition: and I was seven or eight years of age.

Yahya Al Qattaan has said: Yoonus Bin 'Abdillaah has narrated that 'Amaara has said: 'Alee asked me to choose three times, and each time I chose my mother. He then said: once he reaches his age, he may choose.

Aboo Hurayra

Aboo Khaythama Zuhayr Bin Harb has said: Sufyaan Bin 'Uyayna, and Ziyaad Bin Sa'd have narrated that Hilaal Bin Abee Maymoona has said: I saw Aboo Hurayra allow a boy to choose between his parents, and he said: the messenger of Allaah (may Allaah send salutations upon him) allowed a boy to act as such.

This is what the companions had to say in this regard. As for the scholars, Harb Bin Ismaa'eel has said: I asked Ishaq Bin Raahawayh: how long may a child remain with a divorced mother? He replied: I prefer that a child be given a choice at seven years of age. I asked: so a child who is below seven cannot choose? He replied: some have said that a child is given a choice at five years of age, though I prefer that a child be given a choice at seven years of age.

As for Ahmad, he maintained that the mother is entitled to custody if the child is a boy below seven. As for a boy who has reached seven, three narrations exist:

1. A reliable narration states that a boy who has reached seven may choose. However, if he does not, a lottery is held. Whereas, if he chooses one parent and then another, custody is transferred. This was the choice of the companions of Ahmad.

2. When a boy reaches seven, his father is entitled to him, and he may not choose.

3. When a boy reaches seven, his mother remains entitled to him.

If the child is a girl who has not reached seven, her mother is entitled to her, and she may not choose. Whereas, if she has reached seven, the well known opinion is that her maternal grandmother is entitled to her. However, her father is entitled to her once she reaches nine, and she may not choose.

A fourth narration states that the mother is entitled to the daughter until she matures, even if the mother is married.

A fifth narration states that the daughter may choose if she has reached seven.

Ash Shaafi'ee has said: the mother is entitled to custody until the child reaches seven regardless of gender. Once the child reaches seven, it may choose regardless of gender, provided it is reasonably intelligent.

Aboo Haneefa and Maalik have said: the child may not choose at all. However, they have differed, thus Aboo Haneefa has said: the mother is entitled to a girl until she matures, and she is entitled to a boy until he is

able to eat, drink, and dress by himself. As for Maalik, Ibn Al Qaasim has narrated that he has said: the mother is entitled to the child until it matures regardless of gender, and it may not choose.

Al Layth Bin Sa'd has said: the mother is entitled to her son until he reaches eight, and she is entitled to her daughter until she matures.

Al Hasan Bin Hayy has said: the mother is entitled to her daughter until her breasts take shape, and she is entitled to her son until he approaches maturity. Thereafter, the child may choose regardless of gender.

Those who maintained that only a boy may choose have said: the narration of Aboo Hurayra verifies that the messenger of Allaah (may Allaah send salutations upon him) allowed a boy to choose. In addition, this ruling was upheld by the rightly guided successors, and it does not seem that any of the companions objected.

One may say: you have placed freedom of choice before the lottery, but the lottery has been placed before freedom of choice in a prophetic tradition. In addition, the lottery is a legitimate means of selection when deserving parties of equal rank are found. As a result, since a mother and father are of equal rank, analogy necessitates a lottery, so if they refuse to comply, the only alternative is for the child to choose. With this being said, how could the companions of Ash Shaafi'ee and Ahmad place freedom of choice before the lottery?

The response: since the lottery has not been mentioned by every narrator, it is preceded by freedom of choice. As a result, when a choice cannot be made, a lottery is held.

Those who maintained that a boy and as well as girl may choose have said: Ahmad and An Nasaa'ee have relayed that Raafi' Bin Sinaan has narrated that he and his wife had a dispute concerning their daughter. As a result, the prophet (may Allaah send salutations upon him) sat them on two different sides and placed the girl in the middle. Thereafter, he said: (call her) , and she leaned toward her mother. Consequently, he said: (O Allaah, guide her) , and she leaned toward her father who took her.

This group has said: the fact that the child was a boy is immaterial. The prophet (may Allaah send salutations upon him) has said: (if one finds his belongings amongst a man who is bankrupt...) , and males and females are akin in this regard. In fact, this applies even moreso to the athar concerning custody, because the word "boy" was used by a companion and not the legislator.

Hanbalee scholars have raised the following objections:

1. The previous group has relied upon the narration of Raafi'.
2. The previous group has disregarded the gender of the aforementioned child.

Hanbalee scholars have said: the narration of Raafi' has been declared

unreliable by Ibn Al Mundhir and others. In addition, it has been said that a boy was allowed to choose, though it has also been said that a girl was allowed to choose.

Aboo Al Farj Ibn Al Jawzee has said: the narration which states that the child was a boy is more reliable.

This narration states that the boy was weaning, thus he was definitely younger than seven. Apparently, he was younger than five, though you do not maintain that a child this age may choose, so you cannot rely upon the narration of Raafi'.

As for gender, it is pivotal in certain instances. As a result, it is significant to be a male in the realm of testimony, inheritance, and authority. Similarly, it is significant to be a female in the realm of custody, because when two contestants of equal rank converge, the female is chosen.

I have heard our teacher say: two parents had a dispute concerning their son, so he was given a choice. Thereafter, he chose his father, so his mother said: ask him why he has chosen his father. The boy replied: my mother sends me to a Qur'aan school everyday, and the instructor beats me. Whereas, my father lets me play. As a result, the mother was awarded custody.

Our teacher has said: a parent who is neglectful is sinful and does not deserve authority. In fact, this applies to any guardian. Consequently, one who is derelict must relinquish authority or accept intervention.

Our teacher has said: although an heir may inherit if he is sinful, one cannot be awarded custody if he is neglectful.

Our teacher has said: if a father married a woman who neglected his child, the mother would surely receive custody if she were more conscientious.

Our teacher has said: one should know that the legislator has not stated that one parent is absolutely entitled to custody, nor has he stated that a boy has absolute freedom of choice.

Hanafee and Maalikee scholars have raised the following objections:

1. Evidence negates choice.
2. There are narrations which cannot be used to prove freedom of choice.

The prophet (may Allaah send salutations upon him) said: (you are entitled to him) , though he did not allow the boy to choose.

Hanafee and Maalikee scholars have said: as for the second issue, the narrations which you have mentioned are unrestricted. Whereas, you confine freedom of choice to a child who is at least seven years of age, but this has not been indicated.

We say that a child may choose once it matures, and your restriction is not more appropriate than ours. In fact, our opinion is more accurate due to the following statement: he brought me water from the well of Aboo 'Inaba.

Namely, this well is located a few miles from Al Madeena, but the average child would not be capable of performing the aforementioned task.

Although maturity has not been indicated, it has not been negated either. In addition, there is no general text which states that one may choose before he matures, so how could you confine freedom of choice to a child who is at least seven years of age? !

Shaafi'ee and Hanbalee scholars have said: you cannot rely upon the statement: (you are entitled to him as long as you do not marry) , because some of you say: once the child can eat and drink by itself, the father receives custody. Whereas, some of you also say: once the child approaches maturity, the father receives custody.

We say: the aforementioned prophetic tradition indicates the following:

1. A mother is not entitled to her son if she marries.
2. A mother is entitled to her son as long as she does not marry.

A mother is entitled to her son if he is unable to discern.

A mother remains entitled to her son when he is able to discern, provided he chooses her.

Prophetic traditions concerning freedom of choice cannot be confined to a child who has reached maturity.

1. It has been narrated that a boy was allowed to choose, though a boy is immature. As a result, it is figurative to apply this wording to an adolescent, and this approach is unnecessary and unfounded.

2. One cannot seek custody of a mature child, thus someone forty years of age cannot be given a choice.

3. None of the listeners understood that a man of sound mind was given a choice. However, if such a man were obliged to choose, his options would be: his mother, his father, or himself.

4. It is inconceivable that two parents would argue concerning a man of sound mind, and it is also inconceivable that he would be given a choice.

5. An Nasaa'ee has narrated the following wording: a son of hers arrived who had yet to mature, so the prophet (may Allaah send salutations upon him) sat his parents in two places and allowed him to choose.

You have said that the well of Aboo 'Inaba is located a few miles from Al Madeena, thus we respond as follows:

1. We demand the status of this narration.
2. We demand proof that the woman did not live near the well.

3. We demand proof that a child of approximately ten years of age could not perform the aforementioned task.

Although we limit freedom of choice to a child who is at least seven years of age, the prophetic tradition does not necessitate this, nor is there a consensus in this regard. As a result, two views exist:

1. Ishaq Bin Raahawayh has narrated that a child is allowed to choose at

five. The basis of this opinion is that a child is reasonably intelligent at that age.

2. Ash Shaafi'ee, Ahmad, and Ishaq maintained that a child must understand and discern in order to choose. As a result, they chose the age of seven since one becomes able to discriminate at that point. For this reason, a child can no longer be ordered to pray once he has reached seven years of age.

Chapter

The Story Of The Daughter Of Hamza And The Ruling Of The Messenger Of Allaah (May Allaah Send Salutations Upon Him)

'Alee, Zayd, and Ja'far had a dispute concerning the daughter of Hamza shortly after the 'umra of qadaa, and the messenger of Allaah (may Allaah send salutations upon him) ruled in favor of Ja'far.

As 'Alee, Zayd, and Ja'far departed Makka, the daughter of Hamza followed them saying: O uncle, O uncle. As a result, 'Alee took her by the hand, then he, Ja'far, and Zayd began to argue. Namely, Zayd asserted that he was her uncle since the messenger of Allaah (may Allaah send salutations upon him) made him and Hamza brothers. Thereafter, 'Alee mentioned that she was his cousin, and Ja'far mentioned that he was her relative and was married to her aunt. As a result, the prophet (may Allaah send salutations upon him) ruled in favor of Ja'far.

As for the aforementioned brotherhood, it could not necessitate custody. Rather, it made one an heir at the time, so Zayd thought that he was entitled to the daughter of Hamza.

Did 'Alee deserve custody since Hamza was his paternal uncle? Maalik, Ash Shaafi'ee, and Ahmad maintained that he did, because he was a male agnate relative whose kinship gave him authority. In addition, the messenger of Allaah (may Allaah send salutations upon him) did not reject the claim of 'Alee and Ja'far, though he would have had it been unfounded.

Some Shaafi'ee scholars have said that the only men who deserve custody are fathers and grandfathers. Whereas, the majority opinion states that a male is entitled to a girl if he is the son of her paternal uncle and is unlawful due to nursing etc. This also applies if the child is above seven years of age. However, if the cousin is not unlawful, he is entitled to custody until the child reaches seven years of age. At that point, she is placed with a relative who is unlawful or a woman who is trustworthy.

Aboo Al Barakaat has said: he is not entitled to custody unless he is unlawful due to nursing etc.

One may ask: did the prophet (may Allaah send salutations upon him)

rule in favor of the aunt or Ja'far?

The response: two views exist due to divergent wording.

It has been narrated in Saheeh Al Bukhaaree that the prophet (may Allaah send salutations upon him) ruled in favor of the aunt.

Conversely, Aboo Daawud has relayed that Naafi' Bin 'Ujayr, his father, and 'Alee have narrated that the prophet (may Allaah send salutations upon him) has said: (as for the girl, I rule in favor of Ja'far. She will be with her maternal aunt, and the maternal aunt is a mother). Aboo Daawud then narrated the story via 'Abdur Rahmaan Bin Abee Layla who said: he ruled in favor of Ja'far, because he was married to her aunt. Finally, he narrated the story via Israa'eel, Aboo Ishaq, Haani Bin Haani, and Hubayra Bin Maryam who said: the prophet (may Allaah send salutations upon him) ruled in favor of her aunt and said: (the maternal aunt and the mother are akin).

This discrepancy has been problematic for many legal scholars, because Ja'far was not unlawful, and he and 'Alee were equal in rank. Similarly, the aunt was married, and a woman loses custody due to marriage.

One may say: the prophet (may Allaah send salutations upon him) and the daughter of Hamza were cousins, and he and Hamza became brothers through nursing, so why was he not the guardian?

The response: the prophet (may Allaah send salutations upon him) was preoccupied with his divine mission, thus he could not be the guardian. However, had he taken the child, he would have placed her amongst his wives. Whereas, her aunt was her next of kin.

In addition, a wife of the prophet (may Allaah send salutations upon him) would wait nine days to meet with him. Consequently, the child would face difficulty. Whereas, if she stayed with one his wives, custody would be given to a non-relative, provided the prophet (may Allaah send salutations upon him) ruled in favor of Ja'far. Otherwise, there is no dilemma, and the truth of matter is that he did rule in favor of the aunt.

The aunt was awarded custody for the following reasons:

1. A woman does not lose custody due to marriage when the child is a girl, and this was the view of Ahmad according to one narration.
2. Ja'far was the cousin of the daughter of Hamza.
3. A woman does not lose custody when the child is accepted by her husband.

Legal scholars have adopted three views in this regard:

1. A woman does not lose custody due to marriage, and this was the view of Al Hasan Al Basree and Aboo Muhammad Bin Hazm.
2. A woman does not lose custody due to marriage when the child is a girl, and this was the view of Ahmad according to one narration.
3. A woman does not lose custody when her husband is related to the

child, and this was the well known view of Ahmad.

There is a fourth view which was held by Muhammad Bin Jareer. Namely, a woman loses custody due to marriage when she is the mother and is challenged by the father. However, she does not lose custody when she is the maternal aunt etc.

Chapter

It has been said that the aforementioned prophetic tradition indicates that the mother's female relatives are more entitled to custody than the father's male relatives, even if the mother's female relatives are married. However, this is not the case. In fact, the following wording states the opposite: (as for the girl, I rule in favor of Ja'far). As for the narration which states that the messenger of Allaah (may Allaah send salutations upon him) ruled in favor of the aunt and said: (she is a mother), it does not prove that the mother's side of the family is absolutely more entitled to custody than the father's side of the family. Whereas, the fact that the prophet (may Allaah send salutations upon him) did not object when 'Alee and Ja'far sought custody proves that the father's side of the family is significant. However, the maternal aunt was chosen since she was a female relative.

It has been said that the aforementioned prophetic tradition indicates that the male agnate relatives of the child do not deserve custody until it is capable of choosing one side of the family. However, this is not the case. Rather, the aforementioned prophetic tradition indicates that the son of the paternal uncle who is married to the maternal aunt is more preferable than the son of the paternal uncle who is not married to the maternal aunt.

Could it be said that one son of the paternal uncle was awarded custody because he was married to the maternal aunt and that the maternal aunt was eligible? Some scholars of prophetic tradition understood this.

Could it be said that the maternal aunt is more preferable than the male relatives of the father and that the maternal aunt does not lose custody due to marriage?

Al Hasan said that marriage does not rescind custody at all.

It has been narrated that Ahmad has said that marriage does not rescind custody if the child is a girl. Whereas, the well known opinion of Ahmad states that marriage does not rescind custody when the husband is related to the child.

Aboo Ja'far has said: a woman loses custody due to marriage when she is the mother and is challenged by the father. However, she does not lose custody when she is the maternal aunt etc.

The view which was held by Aboo Ja'far is implausible, because loss of custody due to marriage is warranted whether the female relative is the mother of the child or not. In addition, the maternal aunt and the mother are

akin at best. This applies to other female relatives as well. In reality, the prophet (may Allaah send salutations upon him) did not rule that marriage would not rescind their custody. Rather, he ruled that the maternal aunt deserved custody because her husband was related to the child. He also ruled as such because the child was a girl.

Chapter

May An Aunt Be Awarded Custody?

There is a fifth view, i. e. the prophet (may Allaah send salutations upon him) ruled that an aunt may be awarded custody even if she is married, because the daughter is unlawful due to the mother. In fact, Daawud Bin Al Husayn, 'Ikrima, and Ibn 'Abbaas have narrated that the prophet (may Allaah send salutations upon him) has said: (O Ja'far, you are entitled to her, because her aunt is your wife. In addition, one cannot marry an aunt and then her niece).

In reality, there is no prophetic text which necessitates that the guardian be a relative and that the child be perpetually unlawful, because the child is unlawful as long as her aunt is married. However, she remains with her after divorce which is better than her being placed with a non-relative.

His Ruling Concerning Wife Support

The prophet (may Allaah send salutations upon him) did not designate wife support. Rather, it is a matter of custom.

It has been narrated in Saheeh Muslim that he said the following during the farewell pilgrimage: (be reverent concerning women, because they are a trust, and the name of Allaah renders them lawful. You are obliged to clothe and sustain them customarily...).

It has been narrated in Al Bukhaaree and Muslim that Hind the wife of Aboo Sufyaan has said: Aboo Sufyaan is stingy, thus he does not provide adequate support, so I take what I need without his knowledge. As a result, the prophet (may Allaah send salutations upon him) said: (take what is customarily sufficient).

Hakeem Bin Mu'aawiyah has narrated that his father has said: I came to the messenger of Allaah (may Allaah send salutations upon him) and asked: O messenger of Allaah, what do you say regarding our women? He replied: (clothe and feed them as you clothe and feed yourselves, and do not strike them or call them ugly).

The prophet (may Allaah send salutations upon him) has not differentiated between a wife and a slave in terms of support, and he has said: (a slave is entitled to a customary amount of food and clothing).

He has also said the following concerning slaves: (clothe and feed them as you clothe and feed yourselves). Narrated by Muslim.

The most high has said: **{as you feed your families}** [Al Maa'ida/89].

[المائدة:89] ﴿مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَهْلِيكُمْ أَوْ كِسْوَتُهُمْ﴾

And Ibn 'Abbaas has said: i. e. bread and oil. Similarly, Ibn 'Umar has said: i. e. bread and butter or bread and dates, and bread and meat is one of the best dishes you could offer.

Those who have designated wife support have differed. As a result, Ash Shaafi'ee did so according to dry measure, and he has said: someone needy gives one prophetic mudd, because this is the least amount of food which is given to an individual as an expiation. In addition, Allaah the glorified has said: **{his expiation is to feed ten of the needy as you feed your families}** [Al Maa'ida/89].

[المائدة:89] ﴿فَكَفَّرْنَاهُ بِإِطْعَامِ عَشْرَةِ مَسْكِينٍ مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَهْلِيكُمْ أَوْ كِسْوَتُهُمْ﴾

If one is prosperous, he gives a second mudd, because this is the greatest amount of food which is given to an individual as an expiation. Whereas, one who is neither prosperous or needy gives 1 ½ mudd.

Al Qaadee Aboo Ya'laa has said: one who is prosperous must provide twenty-four uwqiyya of bread per day. As for one who is needy, his support differs in terms of quality, because the former and latter consume the same amount of food.

The majority has said: it is not known that any of the companions designated wife support according to dry measure.

Ishaaq has narrated that Al Haarith has said: 'Alee says the following regarding the needy and the expiation of an oath: he may give them bread and oil or bread and butter for lunch and dinner.

Ibn 'Umar has said: if a man gives his family: bread and oil, bread and milk, or bread and butter, he has adequately sustained them. However, bread and meat is the best dish one could provide.

Ibn Abee Shayba has said: Yahya Bin Ishaaq, Yahya Bin Ayyoob, and Hameed have narrated that Anas became ill. As a result, he was unable to fast, so he would give thirty of the needy bread and meat at one time.

Al Qaadee Ismaa'eel has said: Hajjaaj Bin Al Minhaal, Abo 'Awwaana, Mansoor, Aboo Waa'il, and Yasaar Bin Numayr have narrated that 'Umar has said: people ask of me and I swear not to give, but then I change my mind. Consequently, if I order you to expiate, feed ten of the needy and give each one of them four mudd of dates, or barley, or ½ mudd of wheat.

Hajjaaj Bin Al Minhaal and Sulaymaan Bin Harb have said: Hamaad Bin Salama, Salama Bin Kuhayl, and Yahya Bin 'Abbaad have narrated that 'Umar Bin Al Khattaab has said: expiate my oath by feeding ten of the needy twenty mudd.

Ibn Abee Shayba has said: Wakee', Ibn Abee Layla, and 'Umar Bin

Abee Murra have narrated that 'Abdullaah Bin Salama has said: one feeds ten of the needy to expiate an oath, and he gives each of them two mudd.

'Abdur Raheem and Aboo Khaalid Al Ahmar have said: Hajjaaj, Qart, and his grandmother have narrated that 'Aa'isha has said: we provide two mudd of wheat or four mudd of dates when expiating an oath.

Ismaa'eel has said: Muslim Bin Ibraaheem, Hishaam Bin Abee 'Abdillaah, Yahya Bin Abee Katheer, and Aboo Salama, have narrated that Zayd Bin Thaabit has said: one mudd of wheat per person is sufficient when expiating an oath.

Opponents have said: only the Qur'aan, the prophetic tradition, and the consensus of this nation are conclusive. In addition, Allaah has ordered us to return to him and his messenger when we disagree.

Allaah the glorified has said the following concerning an expiation: **{if he is unable, he must feed sixty people}** [Al Mujaadila/4].

﴿مَنْ لَمْ يَسْتَطِعْ فَاِطْعَامُ سِتِّينَ سَكِينًا﴾ [المجادلة:4]

However, he did not designate the food we must give or the quantity, though he did designate the people we must feed and the amount.

Chapter

The narration of Hind proves that the mother must not help the father support their children.

The narration of Hind proves that wife support is determined by sufficiency which is a matter of custom. It also proves that one may take what is needed when support is inadequate.

Chapter

Some have asserted that the story of Hind proves that wife support is waived due to an elapse of time, because the prophet (may Allaah send salutations upon him) did not enable her to take what she was denied. However, she did not seek that. Rather, she asked if she could take what she needed in the future, and she was allowed to do so.

Some have asked: are both wife support and relative support waived due to an elapse of time, or is only relative support waived? Three views exist:

1. Both wife support and relative support are waived due to an elapse of time, and this was the view of Aboo Haneefa. It has also been narrated that this was the view of Ahmad.

2. Wife support and relative support are not waived due to an elapse of time when the relative is a child, and this is the view of some Shaafi'ee scholars.

3. Relative support and not wife support is waived, and this is the well known opinion of Maalik, Ash Shaafi'ee, and Ahmad.

Some Shaafi'ee and Hanbalee scholars say that court imposed relative

support is not waived due to an elapse of time. However, other Shaafi'ee and Hanbalee scholars say that such an injunction is immaterial.

As for wife support, 'Umar Bin Al Khattaab dispatched a series of letters concerning soldiers who were away from their wives. Namely, he commanded the soldiers to maintain their wives or to divorce them, and those who wished to divorce them were obliged to send a stipend in lieu of past support. Ibn Al Mundhir has said: this stipend has been enjoined by the Qur'aan, the prophetic tradition, and scholarly consensus, and only these proofs can waive such an obligation.

In actuality, 'Umar Bin Al Khattaab ordered those who wished to divorce their wives to send a stipend in lieu of past support, though he did not order the soldiers to present a stipend in lieu of past support upon their return. In fact, it is not known that any of the companions have narrated this.

Since wife support is due on a day to day basis, it resembles relative support. As for unpaid wife support, it is no longer needed. Consequently, a husband is not obliged to make payment. However, if he were forced to do so, hostility would result.

Chapter

As for the practice of exacting currency, it is completely unfounded. Allaah the glorified has enjoined that wives, slaves, and relatives be supported customarily. As a result, currency cannot be exacted, because the legislator has stated that one should clothe and feed his dependents as he clothes and feeds himself.

Currency is merely a substitute for the legislated means of support which is wheat according to Ash Shaafi'ee and the common food of a locale according to the majority. Consequently, a substitute could not be exacted against ones will.

The Ruling Of The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Concerning A Husband Who Has Difficulty Supporting His Wife

Ad Daaraqutnee has said: Aboo Bakr Ash Shaafi'ee, Muhammad Bin Bishr Bin Matr, Shaybaan Ibn Furookh, Hamaad Bin Salama, 'Aasim, Aboo Saalih, and Aboo Hurayra have narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (a woman says to her husband: feed me or divorce me).

Ad Daaraqutnee has said: 'Uthmaan Bin Ahmad Bin As Sammaak, 'Abdul Baaqee Bin Qaani', Ismaa'eel Bin 'Alee have said: Ahmad Bin 'Alee Al Khazzaaz, Ishaq Bin Ibraaheem Al Baawurdee, Ishaq Ibn Mansoor, Hamaad Bin Salama, and Yahya Bin Sa'eed have narrated that Sa'eed Bin Al Musayyib has said the following concerning a man who cannot support his wife: they are separated.

Sa'eed Bin Mansoor has said: Sufyaan has narrated that Aboo Zinaad has said: I asked if a couple is separated when the husband cannot support his wife, and he replied: yes. I asked: is this a prophetic tradition? He replied: yes.

Legal scholars have adopted various opinions in this regard:

1. A husband must spend or divorce, and Sufyaan and Yahya Bin Sa'eed Al Ansaaree have narrated that Ibn Al Musayyib has said: if a man cannot support his wife, he must divorce her.

2. Maalik has said: a husband who has difficulty supporting his wife is granted a one month respite. If she is menstruating thereafter, her purity is awaited at which point the judge imposes a raj'ee divorce. As a result, if the husband becomes solvent during the 'idda period, he may regain his wife.

Ash Shaafi'ee has said:

1. When a husband has difficulty supporting his wife, she may stay with him, and the support of an insolvent man remains outstanding. However, his companions have said: provided she offers herself to him. Otherwise, support is waived and she may seek an annulment.

2. When a husband has difficulty supporting his wife, she may not seek an annulment. Rather, he allows her to sustain herself. However, the legal school maintains that the wife actually is entitled to an annulment.

When a husband has difficulty supporting his wife, does a divorce or an annulment ensue?

1. When a husband has difficulty supporting his wife, the judge obliges him to spend or divorce. If he refuses, the judge imposes a raj'ee divorce.

2. When a husband has difficulty supporting his wife, the judge verifies his claim and the wife seeks an annulment.

The wife may seek an annulment after choosing to remain with her husband, because wife support is due on a day to day basis.

May a wife seek an annulment without delay, or must she wait three days? Shaafi'ee scholars maintain that she must wait three days.

What if the husband is able to support his wife during the third day but not the fourth day?

Hamaad Bin Abee Salama has said: he is granted a one year respite like one who is impotent.

'Umar Bin 'Abdil 'Azeez has said: he is granted a respite of one or two months.

Maalik has said: he is granted a one month respite.

It has been narrated that Ahmad held two views, the following is one of them: when a husband has difficulty supporting his wife, she may stay with him or seek an annulment. If she chooses the latter, the judge has the option of imposing an annulment or a divorce. As for the former, it is not a divorce and is not raj'ee, even if the husband becomes solvent within the 'idda

period. Whereas, the latter is raj'ee. As a result, if he regains his wife and remains insolvent or refuses to spend, a second or third annulment may be imposed if requested. Lastly, a wife may also seek an annulment even if she was aware of the circumstances in the beginning.

It has also been narrated that Ahmad has said that a wife whose husband has difficulty supporting her may not seek an annulment, and this was the view of Aboo Haneefa and his two companions.

However, it should also be said that the wife is not obliged to offer herself since the husband is unable to reciprocate. Similarly, a customer does not deserve an item which he cannot afford. Overall, the husband must allow his wife to sustain herself.

'Abdur Razzaaq has mentioned that Ibn Jurayj has said: I questioned 'Ataa concerning a husband who cannot support his wife and he replied: she is not entitled to a divorce.

Hamaad Bin Salama has relayed that a group has narrated that Al Hasan Al Basree has said the following concerning a husband who is unable to support his wife: she must persevere, and he must spend to the best of his ability.

'Abdur Razzaaq has mentioned that Ma'mar has said: I asked Az Zuhree if man and wife are separated when the former is unable to support the latter, and he replied: they are not separated: **{Allaah only requires what he has given}** [At Talaq/7].

﴿لَا يَكُفُّ اللَّهُ نَفْسًا إِلَّا مَاءً أَمَّنْهَا﴾ [الطلاق: 7]

Ma'mar has said: I have been informed that 'Umar Bin 'Abdil 'Azeez made a similar statement.

'Abdur Razzaaq has mentioned that Sufyaan Ath Thawree has said the following concerning a wife whose husband has difficulty supporting her: she is undergoing a trial, so she must persevere and disregard the statements of those who separate such a couple.

It has been narrated that 'Umar Bin 'Abdil 'Azeez held three views in this regard. The previous view is one of them.

Ibn Wahb has relayed that 'Abdur Rahman Bin Abee Az Zinaad has narrated that his father has said: I heard 'Umar Bin 'Abdil 'Azeez say the following concerning a man who had difficulty supporting his wife: give him a one or two month respite, and if he does not support his wife, separate them.

Ibn Wahb has relayed that Ibn Luhay'a and Muhammad Bin 'Abdir Rahman have narrated that a man informed 'Umar Bin 'Abdil 'Azeez that his son in law was not supporting his daughter. As a result, 'Umar Bin 'Abdil 'Azeez sent for the husband who said: he joined me in matrimony knowing that I had nothing, so he asked: were you aware of this? He

replied: yes, so he asked: what can I do?

All Dhaahiree scholars maintained that such a couple may not be separated, though Maalik has said: I met people who said: if a husband does not support his wife, they are separated. Consequently, someone said: the companions also had difficulty supporting their wives, so he said: today, women desire the world.

Aboo Az Zubayr and Jaabir have narrated that Aboo Bakr and 'Umar found the messenger of Allaah (may Allaah send salutations upon him) amongst his wives. As a result, Aboo Bakr asked: O messenger of Allaah (may Allaah send salutations upon him), what if I wrung the neck of a girl who sought support? The messenger of Allaah (may Allaah send salutations upon him) began laughing and said: (as you see, I am surrounded by girls who seek support). Consequently, Aboo Bakr rose and wrung the neck of 'Aa'isha, and 'Umar rose and wrung the neck of Hafsa. Thereafter, they said: you seek what the messenger of Allaah (may Allaah send salutations upon him) does not have, so they said: by Allaah, we will never seek what the messenger of Allaah (may Allaah send salutations upon him) does not have. He then avoided them for a month. Narrated by Muslim.

In reality, legal theory necessitates that a wife is entitled to an annulment if she was led to believe that her husband was solvent when he was not, or if she could not obtain what she needed. Whereas, if the wife was aware that her husband was insolvent when she married him, or if he was solvent and was struck by financial ruin, she is not entitled to an annulment.

The majority of legal scholars have said: a wife may not seek an annulment when her husband is unable to obtain the dowry. However, Aboo Ishaq and Aboo 'Alee Bin Abbee Hurayra have made a distinction saying: if the husband is unable to attain the dowry and has yet to consummate the marriage, the wife may seek an annulment.

Those who maintain that the wife in question may seek an annulment say: she is entitled to an annulment even if she has hoards of gold and silver. Conversely, Aboo Muhammad Bin Hazm has said: when a husband has difficulty supporting his wife, she must offer her body and wealth. Whereas, the view of Al 'Anbaree is astonishing, namely that the husband must be detained.

The Ruling Of The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Concerning The Woman Whose Divorce Is Irrevocable

Faatima Bint Qays has narrated that Aboo Hafs Bin Al Mugheera Al Makhzoomee divorced her three times before traveling to Yemen. As a result, his family said to her: we do not owe you support. Thereafter, Khaalid Bin Al Waleed and a group came to the home of Maymoona and said to the messenger of Allaah (may Allaah send salutations upon him): Aboo Hafs has divorced his wife three times, so does she deserve support?

He replied: (she does not deserve support and she must observe the 'idda period).

The messenger of Allaah (may Allaah send salutations upon him) ordered Faatima Bint Qays to join Umm Shareek, then he sent her the following message: (the first muhaajiroon come to Umm Shareek, so join Ibn Umm Maktoom the blind one, because he will not see you when you remove your khimaar). As a result, she joined him, and once the 'idda period had elapsed, the messenger of Allaah (may Allaah send salutations upon him) joined her in matrimony with Usaama Bin Zayd Bin Haaritha. Narrated by Muslim

'Ubaydullaah Bin 'Abdillaah Bin 'Utba has narrated that Aboo 'Amr Bin Hafs Bin Al Mugheera traveled to Yemen with 'Alee Bin Abee Taalib. Thereafter, Aboo 'Amr Bin Hafs Al Mugheera sent his wife a message and pronounced a final divorce. He then ordered Al Haarith Bin Hishaam and 'Ayyaash Bin Abee Rabee'a to provide support, so they said: by Allaah, you do not deserve support unless you are pregnant. As a result, Faatima Bint Qays informed the prophet (may Allaah send salutations upon him) of this, and he said: (you do not deserve support) , so she sought permission to relocate.

The messenger of Allaah (may Allaah send salutations upon him) said: (join Ibn Umm Maktoom) who was blind. Consequently, Faatima Bint Qays would disrobe without being seen. Once the 'idda period elapsed, the prophet (may Allaah send salutations upon him) joined Faatima Bint Qays in matrimony with Usaama Bin Zayd. Narrated by Muslim.

Aboo Daawud has narrated with the isnaad of Muslim that Faatima Bint Qays came to the prophet (may Allaah send salutations upon him) who said: (you do not deserve support unless you are pregnant).

An Nasaa'ee has narrated that the prophet (may Allaah send salutations upon him) has said: (rather, a woman deserves housing and support when her husband can regain her).

This Ruling Is In Accord With The Book Of Allaah The Magnificent

Allaah the most high has said: **{O prophet, when you divorce, do so at the onset of the 'idda period and calculate it. Revere Allaah and do not expel your wives or allow them to depart unless they commit an act of blatant iniquity. This is the law of Allaah, thus one who is at variance oppresses himself. You do not know, perhaps Allaah may cause an occurrence thereafter. As the 'idda period concludes, kindly retain or release your wives, and seek reliable witnesses for the sake of Allaah}** [At Talaq/1-2].

﴿يَا أَيُّهَا النَّبِيُّ إِذَا طَلَقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ وَاتَّقُوا اللَّهَ رَبَّكُمْ لَا تُخْرِجُوهُنَّ مِنْ

يُؤْتِيَهُنَّ وَلَا يُخْرِجَنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفَحِشَةٍ مُبَيَّنَةٍ وَتِلْكَ حُدُودُ اللَّهِ وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ لَا تَدْرِي لَعَلَّ اللَّهَ يُحْدِثُ بَعْدَ ذَلِكَ أَمْرًا ﴿١﴾ فَإِذَا بَلَغَ الْأَجَلُ مَنْ فَمَسِكُوهُنَّ بِمَعْرُوفٍ أَوْ فَارِقُوهُنَّ بِمَعْرُوفٍ وَأَشْهِدُوا ذَوَى عَدْلٍ مِنْكُمْ وَأَقِيمُوا الشَّهَادَةَ لِلَّهِ ذَلِكَ كُمْ يُوعَظُ بِهِ مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا ﴿٢﴾ [الطلاق: 1-2]

Rulings

1. A husband may not expel his wife.
2. A wife may not depart.
3. A husband may kindly retain or release his wife as the 'idda period concludes.
4. A husband who intends to retain his wife is either obliged or advised to seek reliable witnesses.

Ibn Abee Shayba has said: Aboo Mu'aawiya and Daawood Al Awadee have narrated that Ash Shu'ba has said the following concerning the statement of Allaah: **{you do not know, perhaps Allaah may cause an occurrence thereafter}** [At Talaq/1]:

﴿لَا تَدْرِي لَعَلَّ اللَّهَ يُحْدِثُ بَعْدَ ذَلِكَ أَمْرًا﴾ [الطلاق: 1]

You may regret and be able to retain your wife.

Ad Dahhaak has said: **{you do not know, perhaps Allaah may cause an occurrence thereafter}** :

﴿لَا تَدْرِي لَعَلَّ اللَّهَ يُحْدِثُ بَعْدَ ذَلِكَ أَمْرًا﴾ [الطلاق: 1]

Perhaps the wife may return within the 'idda period. This was also said by 'Ataa, Qataada, and Al Hasan.

Faatima Bint Qays has asked: what could occur after three pronouncements of divorce? This indicates that the aforementioned divorce is raj'ee.

Support and enjoyment are traded, though a baa'in divorce prevents this. Furthermore, if a wife deserved support because of the 'idda period, a widower would also deserve support.

Views

If the wife deserved housing, she would also deserve support, and it has been narrated that this was the view of Ahmad.

'Umar Bin Al Khattaab and Ibn Mas'ood maintained that the wife deserves housing and support, and it has been narrated that this was the view of Ahmad.

Maalik and Ash Shaafi'ee maintained that the wife deserves housing and not support, and it has been narrated that this was the view of Ahmad.

The Ruling Of The Messenger Of Allaah (May Allaah Send Salutations

Upon Him) Concerning Relative Support

An Nasaa'ee has narrated that Taariq Al Muhaaribee has said: I reached Al Madeena as the messenger of Allaah (may Allaah send salutations upon him) stood upon the minbar. He said: (the hand which gives is uppermost. Begin with your parents and siblings, and then those who succeed them).

Aboo Hurayra has said: a man came to the messenger of Allaah (may Allaah send salutations upon him) and asked: who deserves my companionship most? He replied: (your mother). He asked: and who else? He replied: (your mother). He asked: and who else? He replied: (your father and then those who succeed him).

The prophet (may Allaah send salutations upon him) said the following to Hind: (take what is customarily sufficient).

Jaabir Bin 'Abdillaah has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (begin with yourself. If anything remains, give to your relatives, and if anything remains, continue as such). Narrated by An Nasaa'ee.

The preceding prophetic traditions explain the following statement: **{worship Allaah alone and be good to your parents and relatives}** [An Nisaa/36].

﴿وَأَعْبُدُوا اللَّهَ وَلَا تُشْرِكُوا بِهِ شَيْئًا وَالْوَالِدَيْنِ إِحْسَانًا وَبِذِي الْقُرْبَىٰ﴾ [النساء: 36]

{Give relatives their due} [Al Israa/26].

﴿وَأَتِ ذَا الْقُرْبَىٰ حَقَّهُ﴾ [الإسراء: 26]

Ibn Jurayj has said: I questioned 'Ataa concerning the following statement: **{and an heir is obliged as such}**.

And he replied: the heirs of an orphan must support him in the same way that they inherit from him.

Al Hasan has said the following: **{and an heir is obliged as such}**, namely a man who inherits from a child must provide support for as long as necessary.

The aforementioned verse was explained as such by:

Qataada

Mujaahid

Ad Dahhaak

Zayd Bin Aslam

Shurayh Al Qaadee

Qubaysa Bin Dhu'ayb

'Abdullaah Bin 'Utba Bin Mas'ood

Ibraaheem An Nakha'ee

Ash Shu'ba

The companions of Ibn Mas'ood
 Sufyaan Ath Thawree
 'Abdur Razzaaq
 Aboo Haneefa and his companions
 Ahmad
 Ishaq
 Daawud and his companions

In fact, the majority of the early believers explained the aforementioned verse as such.

Several views have been adopted in this regard:

1. No one is obliged to support his relatives, and it has been narrated that Ash Shu'ba has said: I have never seen anyone compel another to provide support. However, it seems that the wealthy would support their needy relatives without coercion due to their piety, hence there was no need for a judge to intervene.

2. One must support his parents if they are needy. As for child support, a man is only obliged to support his son until he matures, and he is only obliged to support his daughter until she marries.

3. One who is solvent must support he who is vertically related to him, provided their religion is one. In addition, one must be needy and incapable of earning a livelihood in order to receive support.

4. One who is solvent must support all of his needy relatives. As for sons and grandsons and fathers and grandfathers, they may receive support even if their religion differs. As for male adults, they may not receive support unless they are blind or ill.

5. One must support he who is vertically related to him, even if he is not an heir. Must their religion be one? Two views exist.

The Ruling Of The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Concerning Nursing

'Aa'isha has narrated that the prophet (may Allaah send salutations upon him) has said: (nursing renders unlawful what childbirth renders unlawful). Narrated by Al Bukhaaree and Muslim.

Ibn 'Abbaas has narrated that the prophet (may Allaah send salutations upon him) said the following concerning the daughter of Hamza: (she is unlawful for me, because she is the daughter of my brother through nursing, and nursing renders unlawful what kinship renders unlawful). Narrated by Al Bukhaaree and Muslim.

Ibn 'Abbaas was asked the following question: if a man had two wives and one of them nursed a girl while the other nursed a boy, could they marry? He replied: no, because the source is one.

'Aa'isha has said: it has been revealed in the Qur'aan that ten feedings cause unlawfulness. However, this was abrogated, thus five feedings cause unlawfulness.

It has been relayed in Sunan Ad Daaraqutnee that Ibn 'Abbaas has narrated that the prophet (may Allaah send salutations upon him) has said: (nursing occurs within a two year period).

Az Zuhree and 'Urwa have relayed that 'Aa'isha and Umm Salama have narrated that Aboo Hudhayfa Bin 'Utba Bin Rabee'a Bin 'Abdi Shams adopted Saalim and joined him in matrimony with his niece Hind Bint Al Waleed Bin 'Utba. Similarly, the prophet (may Allaah send salutations upon him) adopted Zayd, and when a man was adopted during the period of ignorance, people would attribute him to the one who adopted him, and he would also become his heir. However, Allaah revealed the following thereafter: **{it is is more equitable that you attribute them to their fathers, though if you do not know them, then they are your allies and brethren}** [Al Ahzaab/5].

﴿أَدْعُوهُمْ لِأَبَائِهِمْ هُوَ أَقْسَطُ عِنْدَ اللَّهِ فَإِنْ لَمْ تَعْلَمُوا آبَاءَهُمْ فَاِخْوَانُكُمْ فِي الدِّينِ وَمَوَالِيكُمْ﴾

[الأحزاب:5]

Sahla Bint Suhayl Bin 'Amr Al Qurashee Al 'Aamiree the wife of Aboo Hudhayfa said: O messenger of Allaah, we consider Saalim our son; he lived with Aboo Hudhayfa and I. However, you are aware of the latest revelation in this regard, so what is your opinion? The messenger of Allaah (may Allaah send salutations upon him) replied: (nurse him). As a result, she did so five times, so he became her son. Thereafter, 'Aa'isha would order her nieces to nurse those whom she pleased five times, even if they were mature.

Umm Salama and other wives of the prophet (may Allaah send salutations upon him) refused to nurse as such, hence they said to 'Aa'isha: by Allaah, we are perplexed, perhaps the prophet (may Allaah send salutations upon him) made an exception for Saalim. Narrated by Aboo Daawud.

These prophetic traditions entail numerous rulings, though not all of which are agreed upon.

The first ruling: the prophet (may Allaah send salutations upon him) has said: (nursing renders unlawful what childbirth renders unlawful), and the nation agrees upon this ruling. However, this prohibition does not extend to siblings, thus one may marry a woman who has nursed his brother, and his sister may marry the father of the woman who nursed her brother.

The biological father of the nursing child may marry his mother through nursing, and he may also marry her paternal grandmother.

A son of the biological father may marry his brother's sister through nursing. Conversely, a son through nursing may marry his brother's sister by way of the biological father.

Are in-laws through nursing unlawful, are two sisters through nursing unlawful, and are an aunt and niece through nursing unlawful? Aboo Haneefa, Maalik, Ash Shaafi'ee, and Ahmad maintained that they are prohibited, though our teacher has said: it is more likely that they are lawful, and Allaah has said: **{and what is excluded is lawful for you}** [An Nisaa/24].

﴿وَأَحِلَّ لَكُمْ مَا وَرَاءَ ذَلِكَ﴾ [النساء: 24]

In reality, laws of lineage do not apply in all instances. For example, the wives of the prophet (may Allaah send salutations upon him) were the mothers of the believers in terms of sanctity, but not in terms of kinship. As a result, one could not seclude himself with them, nor could he even look at them. In fact, Allaah the most high has said: **{if you ask of them, may a curtain be between you}** [Al Ahzaab/53].

﴿وَإِذَا سَأَلْتُمُوهُنَّ مَتَاعًا فَسَلُّوهُنَّ مِنْ وَرَاءِ حِجَابٍ﴾ [الأحزاب: 53]

However, this ruling did not extend to their relatives. Consequently, Ibn 'Abbaas was married to Umm Al Fadl who was the sister of Maymoona, and Az Zubayr was married to Asmaa the sister of 'Aa'isha.

Chapter

The second ruling: the milk of the husband causes unlawfulness like the milk of the wife. Although the companions differed in this regard, it is the prophetic tradition which is followed.

Al A'mash has said: 'Amaara, Ibraaheem, and our companions did not consider the milk of the husband consequential until an athar had reached them.

'Alee maintained that the milk of the husband causes unlawfulness, and Al Bukhaaree has mentioned that Ibn 'Abbaas was asked the following question: if a man has two wives and one of them nurses a girl while the other nurses a boy, may they marry? He replied: no, because the source is one.

Chapter

The third ruling: the prophet (may Allaah send salutations upon him) has said: (only five feedings cause unlawfulness). However, scholars have differed in this regard, thus some maintained that nurisng causes unlawfulness regardless of the amount of feedings. This was the view of:

Sa'eed Bin Al Musayyib

Al Hasan,

Az Zuhree

Qataada

Al Hakam

Hamaad

Al Awzaa'ee

Ath Thawree

Aboo Haneefa

Maalik

Al Layth Bin Sa'd claimed that the believers agreed that a feeding capable of breaking ones fast causes unlawfulness. It has also been narrated that Ahmad maintained this view.

A group has said: less than three feedings do not cause unlawfulness, and this was the view of:

Aboo Thawr

Aboo 'Ubayd

Ibn Al Mundhir

Daawud Bin 'Alee

A second narration states that this was the view of Ahmad.

A group has said: less than five feedings do not cause unlawfulness, and this was the view of:

'Abdullaah Bin Mas'ood

'Abdullaah Bin Az Zubayr

'Ataa

Taawoos

'Aa'isha

It has also been narrated that 'Aa'isha held that less than seven feedings do not cause unlawfulness and that less than ten feedings do not cause unlawfulness. As for the view that less than five feedings do not cause unlawfulness, it was also maintained by:

Ash Shaafi'ee

Ahmad

Ibn Hazm

However, Daawud did not agree with Ibn Hazm.

Chapter

The fourth ruling: nursing causes unlawfulness before weaning. However, legal scholars have differed in this regard, thus Muhammad, Aboo Yoosuf, Ash Shaafi'ee, and Ahmad have said: namely, within a two year period. This was also the view of:

'Umar

Ibn Mas'ood

Aboo Hurayra

Ibn 'Abbaas

Ibn 'Umar

Sufyaan

Ishaaq

Aboo 'Ubayd

Ibn Hazm

Daawud

It has also been narrated that this was the view of Sa'eed Bin Al Musayyib and Ash Shu'ba.

A group has said: nursing causes unlawfulness before weaning, but they did not designate a time period. This was the view of:

Umm Salama

Ibn 'Abbaas

Az Zuhree

Al Hasan

Qataada

'Ikrima

Al Awzaa'ee

A group has said: nursing causes unlawfulness during infancy, but they did not designate a time period. It has been narrated that this was the view of:

Ibn 'Umar

Ibn Al Musayyib

The wives of the prophet (may Allaah send salutations upon him) excluding 'Aa'isha

Aboo Haneefa has said: nursing causes unlawfulness within a thirty month period, though it has also been narrated that he has said: nursing causes unlawfulness within a two year period.

Maalik has said: nursing causes unlawfulness within a two year period. However, Al Waleed Bin Muslim and others have narrated that he has said: I consider an additional three months part and parcel.

Al Hasan Bin Saalih, Aboo Dhi'b, and other scholars of Kufa have said: nursing causes unlawfulness within a three year period.

A group has said: nursing causes unlawfulness even if the one who is fed is elderly. As a result, Maalik has narrated that Ibn Shihaab was questioned about the nursing of an adult, and he replied: 'Urwa Bin Az Zubayr has informed me that the messenger of Allaah (may Allaah send salutations upon him) commanded Sahla Bint Suhayl to nurse Saalim whom she considered her son. Consequently, 'Aa'isha would order her sister Umm Kulthoom and her nieces to nurse men whom she selected.

'Abdur Razzaaq has said: Ibn Jurayj has said: I heard a man ask 'Ataa Bin Abee Rabaah the following question: a woman nursed me once I reached adulthood, so may I marry her? He replied: no.

'Abdur Razzaaq has said: Ibn Jurayj, 'Abdul Kareem, and Saalim Bin Abee Al Ja'd Al Mawla Al Ashja'ee have narrated that his father said the following to 'Alee Bin Abee Taalib: I wish to marry a woman who nursed me while I was an adult. As a result, 'Alee said: do not marry her.

Abou Muhammad Ibn Hazm has said: the nursing of an adult causes unlawfulness like the nursing of an infant.

Chapter

As for the narration of Sahla, Shaykhul Islaam Ibn Taymiyya has said: it is not abrogated or exclusive, nor does it apply to the general public. Rather, it is a concession for those in need. Consequently, nursing causes unlawfulness when an adult like Saalim is nursed due to necessity.

His Ruling Concerning Various Forms Of 'Idda

Allaah the glorified has clarified this chapter in his book where he mentioned four forms of 'idda.

1. The 'idda period of all pregnant women extends until delivery, and the glorified and most high has said: **{the 'idda period of pregnant women extends until delivery}** [At Talaq/4].

﴿وَأُولَئِكَ الْأَحْمَالُ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ﴾ [الطلاق:4]

Chapter

2. The 'idda period of a divorced woman who menstruates is three quroo', and Allaah the most high has said: **{divorced women observe an 'idda period of three quroo}** [Al Baqara/228].

﴿وَالْمُطَلَّقَاتُ يَرَیْنَ أَنْفُسَهُنَّ ثَلَاثَةَ قُرُوءٍ﴾ [البقرة:228]

3. As for the 'idda period of one who no longer menstruates or has yet to do so, Allaah the glorified has said: **{as for those who no longer menstruate or have yet to do so, their 'idda period is three months}** [At Talaq/4].

﴿وَالَّتِي يَلِیْسَ مِنَ الْمَحِیضِ مِنْ نِسَائِكُمْ إِنْ أَرَبِیْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ وَالَّتِي لَا یَحِیضُ﴾ [الطلاق:4]

4. As for the 'idda period of a widow, the glorified has said: **{as for widows, they observe an 'idda period of four months and ten days}** [Al Baqara/234].

﴿وَالَّذِينَ یَتَوَفَّوْنَ مِنْكُمْ وَیَرِیْضُونَ أَرْوَاحُهُمْ یَرَیْنَ أَنْفُسَهُنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا﴾ [البقرة:234]

This applies to all widows except those who are pregnant, because Allaah has said: **{the 'idda period of pregnant women extends until delivery}** [At Talaq/4].

﴿وَأُولَئِكَ الْأَحْمَالُ أَجَلُهُنَّ أَنْ یَضَعْنَ حَمْلَهُنَّ﴾ [الطلاق:4]

The early believers differed concerning the pregnant widow, thus 'Alee, Ibn 'Abbaas, and a group of companions have said: she waits for whichever period is longer, i. e. four months and ten days or the duration of her pregnancy. This was one view which was adopted by the Maalikee legal school and it was chosen by Sahnoun.

Ibn ‘Abbaas and Aboo Hurayra had a debate, so Aboo Hurayra said: she waits until she delivers. Whereas, Ibn ‘Abbaas said: she waits for the least period of time. As a result, they sought the judgement of Umm Salama who ruled in favor of Aboo Hurayra based upon the narration of Sabe’e’a.

It has also been said that Ibn ‘Abbaas recanted.

The majority of the companions as well as Aboo Haneefa, Maalik, Ash Shaafi’ee, and Ahmad have said: her ‘idda period extends until delivery.

The majority has said:

1. The prophetic tradition indicates that only pregnancy is considered, and it has been narrated in Al Bukhaaree and Muslim that Sabe’e’a Al Aslamiyya became a widow while she was pregnant. However, once she gave birth, she intended to marry, though Aboo As Sanaabil said: you may not marry until you observe the final ‘idda period. Consequently, she questioned the prophet (may Allaah send salutations upon him) who replied: (Aboo As Sanaabil has lied. Your ‘idda period has concluded, so marry).

2. The verse: **{the ‘idda period of pregnant women extends until delivery}** [At Talaq/4].

﴿أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ﴾ [الطلاق:4]

Was revealed after the verse: **{as for widows, they observe an ‘idda period of four months and ten days}** [Al Baqara/234].

﴿يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا﴾ [البقرة:234]

And this was the response of Ibn Mas’ood which appears in Saheeh Al Bukhaaree.

3. Even if the prophetic tradition did not consider pregnancy, and if the verse of divorce was not subsequent, the latter would be preferred, because the following statement is unrestricted: **{they observe an ‘idda period of four months and ten days}** [Al Baqara/234].

﴿وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذَرُونَ أَزْوَاجًا يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا﴾ [البقرة:234]

Chapter

As for the following verse: **{the ‘idda period of pregnant women extends until delivery}**.

﴿أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ﴾ [الطلاق:4]

It indicates that the ‘idda period of a woman carrying twins does not conclude until both children are born.

This verse indicates that the ‘idda period extends until delivery when istibraa is required.

This verse indicates that the ‘idda period concludes upon delivery regardless of the child.

As for the following verse: **{as for widows, they observe an 'idda period of four months and ten days}** [Al Baqara/234].

﴿وَالَّذِينَ يَتُوفُونَ مِنْكُمْ وَيَذَرُونَ أَزْوَاجًا يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا﴾ [البقرة: 234]

It indicates that this time period is sufficient even for widows who do not menstruate, and this is the majority opinion. However, Maalik has said: if a widow menstruates once a year, her 'idda period does not conclude until she menstruates. Whereas, if she does not menstruate, she observes a nine month 'idda period which begins on the day of her husband's death. Nevertheless, it has also been narrated that Maalik agreed with the majority.

Chapter

The early believers also differed concerning the 'idda period of three quroo. As a result, major companions said that it is three periods of impurity, and this was the view of:

Aboo Bakr

'Umar

'Uthmaan

'Alee

Ibn Mas'ood

Aboo Moosa

'Ubaada Bin As Saamit

Aboo Ad Dardaa

Ibn 'Abbaas

Mu'aadh Bin Jabl

This was the view of the companions of Ibn Mas'ood and Ibn 'Abbaas as well. It was also the view of scholars of prophetic tradition such as:

Ishaaq Bin Ibraaheem

Aboo 'Ubayd Al Qaasim

the people of reason, i. e. Aboo Haneefa and his companions

Ahmad

In fact, Ahmad adopted this position after maintaining that the 'idda period of three quroo' is three periods of purity.

Some have said that the 'idda period of three quroo' is three periods of purity, and this was the view of:

'Aa'isha

Zayd Bin Thaabit

'Abdullaah Bin 'Umar

the seven legal scholars

Az Zuhree

Maalik

Ash Shaafi'ee

Ahmad (according to another narration)

In light of this, if a woman is divorced while pure, may she consider the remainder of that period one qur?

Three views exist:

1. A woman who is divorced while pure considers the remainder of that period one qur.

2. A woman who is divorced while pure does not consider the remainder of that period one qur, and this was the view of Az Zuhree.

3. A woman who is divorced while pure does not consider the remainder of that period one qur if her husband had sex with her therein, and this was the view of Aboo 'Ubayd.

Does her 'idda period remain until she bathes?

Three views exist:

1. Major companions held that her 'idda period remains until she bathes.

Ahmad has said: 'Umar, 'Alee, and Ibn Mas'ood have said: a man may retain his wife before she bathes for the third menstrual cycle.

'Wakee' has mentioned in his Musannaf that 'Eesa Al Khayyaat and Ash Shu'ba have narrated that thirteen of the companions maintained this view.

'Wakee has mentioned in his Musannaf that Muhammad Bin Raashid and Makhool have narrated that Mu'aadh Bin Jabl and Aboo Ad Dardaa also maintained this view.

'Abdur Razzaaq has mentioned in his Musannaf that Ma'mar and Zayd Bin Rafee' have narrated that Aboo 'Ubayda Bin 'Abdillaah Bin Mas'ood has said: 'Uthmaan sought the opinion of Ubayy Bin Ka'b who replied: I feel that a husband may retain his wife before she bathes for the third menstrual cycle. Aboo 'Ubayda Bin 'Abdillaah Bin Mas'ood then said: and I am not aware that 'Uthmaan adopted another opinion.

It has been narrated that this was the view of Ahmad, though it has also been narrated that he held the following views:

The 'idda period concludes once the third menstrual cycle has elapsed, and this was the view of Sa'eed Bin Jubayr and Al Awzaa'ee, and it was also the view of Ash Shaafi'ee when he maintained that the 'idda period of three quuroo is three periods of impurity.

The 'idda period remains after the third menstrual cycle has elapsed, and the husband may retain his wife before the prayer time in which she becomes pure. This was the view of Ath Thawree.

The 'idda period concludes when the menstrual cycle has elapsed as early or as late as expected, and this was the view of Aboo Haneefa.

As for those who have said that the 'idda period of three quuroo is three periods of purity, they have differed concerning the following matters:

1. Must a period of purity be preceded by bleeding? Two views exist and both of which were held by Ash Shaafi'ee and Ahmad. One view states that

this period is considered a qur even if it is not preceded by bleeding, because impurity is subsequent.

Conversely, Ash Shaafi'ee later maintained that a woman must see blood to enter a period of purity.

2. Does the 'idda period conclude at the outset of the third menstrual cycle, or does it remain until twenty-four hours has elapsed? Two views exist and both of which were held by Ash Shaafi'ee and the companions of Ahmad.

Another view has been adopted as well, it states that the 'idda period concludes at the outset of a menstrual cycle which begins when expected. Consequently, when a menstrual cycle does not begin when expected, twenty-four hours must elapse.

Does this blood fall within the 'idda period? Two views exist, and they are germane since they relate to the return of the wife.

Those who have said that the 'idda period of three quroo is three periods of impurity argue as follows:

The most high has said: **{divorced women observe an 'idda period of three quroo}** [Al Baqara/228].

[البقرة: 228] ﴿يَرْتَضْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ﴾

And the intent is either three periods of purity, three periods of impurity, or a combination of the former and latter. As for the third possibility, all agree that it is implausible. Consequently, since only one possibility is feasible, three periods of impurity are preponderant for the following reasons:

If three periods of purity were intended, two periods and a portion of the third would suffice. However, this is implausible.

You may say: a partial period is an entire period to us.

The response: our reply is threefold:

This nation does not agree that a partial period is an entire period.

The opinions of a legal school do not explain the Qur'aan. In addition, it is linguistically inconceivable that a moment of purity could equal a period of purity.

The word qur either identifies an entire period of purity, a partial period of purity, or a combination of the former and latter in terms of wording or meaning. As a result, it is the first possibility which is preponderant.

A partial period of purity could not be intended since this would necessitate that one period of purity and several periods of purity are akin. Consequently, the word qur would be used in a figurative sense.

Similarly, it is implausible that the intent is three periods of purity and impurity in terms of meaning, because this would necessitate that a period of purity is literally several periods of purity. As for impurity which is a

counterpart of purity, all agree that a partial period is not an entire period.

Al Jawharee has said: qar means menstruation, and the plural of qar is aqraa/quroo. Similarly, the following has been narrated: (there is no prayer during your menstrual cycle). However, qar also means purity.

Aboo 'Ubayd has said: aqraa are periods of impurity. He then said: aqraa are periods of purity.

Ibn Faaris has said: quroo are periods of purity and impurity, and the singular of quroo is qur.

The legislator always used the word qur to refer to impurity, thus he has said: (there is no prayer during your menstrual cycle).

The glorified has said: **{as for those who no longer menstruate or have yet to do so, their 'idda period is three months}** [At Talaaq/4].

﴿وَالَّتِي يَسْنَ مِنَ الْمَجِصِ مِنْ نِسَائِكُمْ إِنْ أَرَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ﴾ [الطلاق: 4]

As a result, he has replaced each menstrual cycle with an 'idda period of one month. Furthermore, his ruling is based upon the absence of menstruation and not the absence of purity.

Aboo Daawud, Ibn Maaja, and At Tirmidhee have relayed that 'Aa'isha has narrated that the prophet (may Allaah send salutations upon him) has said: (a female slave is divorced twice, and her 'idda period is two menstrual cycles).

Ibn Maaja has relayed that 'Atiyya Al 'Awfee has narrated that Ibn 'Umar has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (a female slave is divorced twice, and her 'idda period is two menstrual cycles).

Ibn Maaja has said: 'Alee Bin Muhammad, Wakee', Sufyaan, Mansoor, Ibraaheem, and Al Aswad have narrated that 'Aa'isha has said: I ordered Burayra to observe an 'idda period of three menstrual cycles.

An Nasaa'ee has relayed that Ibn 'Abbaas has narrated that the prophet (may Allaah send salutations upon him) gave Burayra a choice, so she chose herself. As a result, he commanded her to observe the 'idda period of a free woman.

The 'idda period of a free woman has been defined as three menstrual cycles according to the narration of 'Aa'isha. However, one may say: 'Aa'isha maintained that the 'idda period of three quroo is three periods of purity. The response: this was not the first time a narrator chose an athar instead of an opinion.

An Nasaa'ee has relayed that Ar Rubayya' Bint Mu'awwidh has narrated that the prophet (may Allaah send salutations upon him) ordered the wife of Thaabit Bin Qays to observe an 'idda period of one menstrual cycle and to join her family when she separated from her husband.

Ibn 'Abbaas has narrated that the wife of Thaabit Bin Qays separated

from him, so the prophet (may Allaah send salutations upon him) ordered her to observe an 'idda period of one menstrual cycle.

It has been narrated in At Tirmidhee that Ar Rubayya' Bint Mu'awwidh separated from her husband during the era of the messenger of Allaah (may Allaah send salutations upon him), so he commanded her, or she was commanded to observe an 'idda period of one menstrual cycle.

Aboo Sa'eed has narrated that the prophet (may Allaah send salutations upon him) said the following concerning the captives of Awtaas: (one may not have sex with a pregnant woman until she delivers, nor may he have sex with a woman who is not pregnant until one menstrual cycle elapses).

Conversely, Ibn 'Abdil Barr has said: as for their statement: when a slave requires istibraa, the duration is one menstrual cycle, they are mistaken. Rather, we maintain that a slave may be married once bleeding begins if she is certain that she is menstruating.

Our response: the purpose of the 'idda period is to determine lack of pregnancy. As for a woman who is married and free, she is noble, thus her 'idda period is three quroo. However, if these quroo were periods of purity, the first qur would be useless.

Chapter

Those who maintained that the 'idda period of three quroo is three periods of purity have argued as follows:

Ibn 'Umar has narrated that he divorced his menstruating wife. As a result, the prophet (may Allaah send salutations upon him) commanded him to divorce her before touching her while pure. He then said: (this is the 'idda period which Allaah has enjoined). However, if the 'idda period of three quroo were three periods of impurity, Ibn 'Umar would have divorced his wife before the 'idda period and not therein.

Ash Shaafi'ee has said: Allaah the most high has said: **{divorced women observe an 'idda period of three quroo}** [Al Baqara/228].

﴿يَرْبِصْنَ أَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ﴾ [البقرة: 228]

We consider these quroo periods of purity, and Allaah knows best. However, one may ask: what indicates that these quroo are periods of purity? We respond as follows:

The Qur'aan and the Arabic language indicate that these quroo are periods of purity. Allaah the blessed and most high has said: **{when you divorce, do so at the onset of the 'idda period}** [At Talaq/1].

﴿بِأَيِّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ﴾ [الطلاق: 1]

Maalik has relayed that Naafi has narrated that Ibn 'Umar divorced his menstruating wife during the era of the messenger of Allaah (may Allaah

send salutations upon him). Consequently, 'Umar questioned him and he replied: (command him to retain her until two periods of purity elapse. Thereafter, he may retain or release her before touching her. This is the 'idda period which Allaah has enjoined).

Sa'eed, Ibn Jurayj, and Aboo Az Zubayr have narrated that Ibn 'Umar said the following while mentioning the divorce of his menstruating wife: the prophet (may Allaah send salutations upon him) said: (once she becomes pure, retain or release her). He then recited the following verse: **{when you divorce, do so at the onset of the 'idda period}** [At Talaq/1].

﴿يَا أَيُّهَا النَّبِيُّ إِذَا طَلَقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ﴾ [الطلاق:1]

Narrated by Muslim.

As for the Arabic language, menstruation is the emergence of blood. Whereas, purity is the retention of blood, and it is a well known fact that qur means retention.

Maalik has relayed that Ibn Shihaab, 'Urwa, and 'Aa'isha have narrated that Hafsa Bint 'Abdir Rahmaan departed when her third menstrual cycle began.

People challenged 'Aa'isha saying: Allaah the most high says: **{three quroo}** [Al Baqara/228] , so she said: you are correct, though do you know what these quroo are? They are periods of purity.

Maalik has narrated that Ibn Shihaab has said: I have heard Aboo Bakr Bin 'Abdir Rahmaan say: this was the view of every legal scholar whom I have met.

Ash Shaafi'ee has said: Sufyaan, Az Zuhree, and 'Umra have narrated that 'Aa'isha has said: a divorce is baa'in once the third menstrual cycle begins.

Maalik has relayed that Naafi', Zayd Bin Aslam, and Sulaymaan Bin Yasaar have narrated that Ibn Hakeem died in Syria as his wife began her third menstrual cycle. As a result, Mu'aawiya wrote to Zayd Bin Thaabit who replied: a divorce is baa'in once the third menstrual cycle begins and there is no inheritance.

Sufyaan, Az Zuhree, and Sulaymaan Bin Yasaar have narrated that Zayd Bin Thaabit has said: a divorce is baa'in once the third menstrual cycle begins.

Sa'eed Bin Abee 'Urooba, a man, and Sulaymaan Bin Yasaar have narrated that 'Uthmaan Bin 'Affaan and Ibn 'Umar have said: a divorce is baa'in once the third menstrual cycle begins.

Maalik has relayed that Naafi' has narrated that Ibn 'Umar has said: a divorce is baa'in once the third menstrual cycle begins and there is no inheritance.

Maalik has narrated that Al Qaasim Bin Muhammad, Saalim Bin

‘Abdillaah, Aboo Bakr Bin ‘Abdir Rahmaan, Sulaymaan Bin Yasaar, and Ibn Shihaab used to say: a divorce is baa’in once the third menstrual cycle begins and there is no inheritance. Ash Shaafi’ee added: and the husband may not retain his wife, and Maalik said: this is the stance of our local scholars.

The prophet (may Allaah send salutations upon him) explained that the ‘idda period of three quroo is three periods of purity, thus any other exegesis is incorrect. As for the wives of the prophet (may Allaah send salutations upon him), they were the most knowledgeable concerning this issue, and ‘Aa’isha was at the forefront.

We will now respond in detail:

You have said: the most high has said: **{divorced women observe an ‘idda period of three quroo}** [Al Baqara/228].

﴿وَالْمُطَلَّقَاتُ يَرَیْنَ بِأَنفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ﴾ [البقرة: 228]

And the intent is either three periods of purity, three periods of impurity, or a combination of the former and latter. As for the third possibility, all agree that it is implausible.

We respond: we say that the ‘idda period of three quroo’ is three periods of purity only.

You have said: if three periods of purity were intended, two periods and a portion of the third would suffice. However, this is implausible.

We respond: the Arabs apply the plural to two entities and a portion of the third. For example, the most high has said: **{pilgrimage is during well known months}** [Al Baqara/197].

﴿الْحَجُّ أَشْهُرٌ مَّعْلُومَاتٌ﴾ [البقرة: 197]

Namely Shawwaal, Dhool Qa’da, and the first nine, ten, or thirteen days of Dhool Hijja.

You have said: the glorified has said: **{as for those who no longer menstruate or have yet to do so, their ‘idda period is three months}** [At Talaq/4].

﴿وَالَّتِي يَبْسُنَ مِنَ الْمَحْضِ مِنْ نِسَائِكُمْ إِنْ أَرَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ﴾ [الطلاق: 4]

As a result, he has replaced each menstrual cycle with an ‘idda period of one month. Furthermore, his ruling is based upon the absence of menstruation and not the absence of purity.

We respond: the most one could say is that a woman must be incapable of menstruating in order to observe the ‘idda period of three months, because the ‘idda period of three quroo cannot exist in the absence of menstruation. As a result, the aforementioned verse does not necessitate that these quroo are periods of impurity.

You have said: Aboo Daawud, Ibn Maaja, and At Tirmidhee have relayed that 'Aa'isha has narrated that the prophet (may Allaah send salutations upon him) has said: (a female slave is divorced twice, and her 'idda period is two menstrual cycles).

We respond: if we relied upon this narration, you would reject it, because it is unreliable. At Tirmidhee has said: this narration is unreliable (ghareeb), and only Mudhaahir Bin Aslam is known to have narrated it.

Aboo Daawud has said: this narration is unreliable (majhool).

You have said: Ibn Maaja has relayed that 'Atiyya Al 'Awfee has narrated that Ibn 'Umar has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (a female slave is divorced twice, and her 'idda period is two menstrual cycles).

We respond: this is a narration of 'Atiyya Al 'Awfee whom more than one imaam has declared weak. Whereas, it is a fact that Ibn 'Umar maintained that the 'idda period of three quuroo is three periods of purity.

Ash Shaafi'ee has said: Maalik has relayed that Naafi' has narrated that Ibn 'Umar has said: a divorce is baa'in once the third menstrual cycle begins and there is no inheritance.

You have said: the purpose of the 'idda period is to determine lack of pregnancy. As for a woman who is married and free, she is noble, thus her 'idda period is three quuroo. However, if these quuroo were periods of purity, the first qur would be useless.

We respond: the first qur is significant when two periods of purity ensue.

Our defense is strengthened by the fact that the letter taa has been added to the word three, i. e. three quuroo. This indicates that these quuroo are masculine and are thus periods of purity. Otherwise, the letter taa could not be added, because the singular hayda (menstrual cycle) is feminine.

This is the argument of those who hold that the 'idda period of three quuroo is three periods of purity. As for ourselves, since we cannot be neutral, we side with senior companions who have said that the 'idda period of three quuroo is three periods of impurity, and success lies with Allaah.

You have said: the prophet (may Allaah send salutations upon him) explained that the 'idda period of three quuroo is three periods of purity, thus any other exegesis is incorrect. As for the wives of the prophet (may Allaah send salutations upon him), they were the most knowledgeable concerning this issue, and 'Aa'isha was at the forefront.

We respond: how could they have been more knowledgeable than senior companions such as Aboo Bakr and 'Umar? Although this issue concerned them, they were not more learned than their male counterparts. Otherwise, women would be most knowledgeable concerning verses of feminine import. As a result, men would be obliged to follow their rulings.

'Aa'isha maintained that the nursing of an adult causes unlawfulness, and

she supported her stance. However, other companions disagreed with her, but you did not defend her.

We say the following to the companions of Maalik: 'Aa'isha maintained that five feedings cause unlawfulness, and she supported her stance. However, other companions disagreed with her, but you did not defend her.

You may say: this ruling concerns men as well, thus males and females are equal in this regard.

We respond: the 'idda period also concerns men.

Chapter

The 'Idda Period Of Those Who No Longer Menstruate Or Have Yet To Do So

As for the 'idda period of those who no longer menstruate or have yet to do so, the glorified has said: **{as for those who no longer menstruate or have yet to do so, their 'idda period is three months}** [At Talaaq/4].

﴿وَالَّتِي يَسْنُ مِنَ الْمَجِيزِ مِنْ نِسَائِكُمْ إِنْ أَرَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ﴾ [الطلاق:4]

There is a major discrepancy concerning the age of menopause, thus Ishaq has said: a woman reaches menopause at fifty. It has also been narrated that Ahmad maintained this view, and 'Aa'isha has said: a woman reaches menopause at fifty.

Some have said that a woman reaches menopause at sixty, and it has been narrated that Ahmad maintained this view as well.

It has been narrated that Ahmad made a distinction stating that Arab women reach menopause at sixty while non-Arab women reach menopause at fifty.

It has been narrated that Ahmad has said that the menstruation of a woman between the ages of fifty and sixty is dubious, thus missed fasts remain outstanding, and this was the choice of Al Kharqee.

It has been narrated that Ahmad has said that if a woman bleeds consistently after fifty, her bleeding is menstruation.

As for Ash Shaafi'ee, he has not designated the age of menopause. Rather, he has said:

1. The age of menopause is discovered through relatives.
2. The age of menopause is discovered through women in general.

The companions of Ash Shaafi'ee have differed concerning the age of menopause in specific. They have said:

1. The age of menopause cannot be designated.

2. The age of menopause is sixty, and this was the view of Aboo Al 'Abbaas and Aboo Haamid.

As for the companions of Maalik, they have not designated the age of menopause.

Others such as Shaykhul Islaam Ibn Taymiyya have said: the age of menopause differs, thus it cannot be designated.

Az Zubayr Bin Bakkaar has mentioned that some have said: only Arab women give birth until fifty, and only women of the tribe of Quraysh do so until sixty. He then said: Hind Bint Abee 'Ubayda Bin 'Abdillaah Bin Rabee'a gave birth to Moosa Bin 'Abdillaah Ibn Hasan Bin Hasan Bin 'Alee Bin Abee Taalib at sixty.

'Umar Bin Al Khattaab has said that if a divorcee ceases to menstruate after one or two cycles for no apparent reason, she must observe an 'idda period of nine months. If she is not pregnant, she must then observe an 'idda period of three months.

Maalik and Ahmad agreed with him, and so did as Ash Shaafi'ee initially. They have said: she observes an 'idda period of nine months, then she observes an 'idda period of three months. Thereafter, she may marry, and this applies even if she is thirty years old.

This statement necessitates that 'Umar Bin Al Khattaab did not designate the age of menopause.

As for a divorcee who is certain that she has reached menopause, she observes an 'idda period of three months regardless of her age.

Al Qaadee Ismaa'eel has said: the glorified has said: **{as for those who no longer menstruate or have yet to do so, their 'idda period is three months}** [At Talaq/4].

﴿وَالَّتِي يَبْسُنَ مِنَ الْمَحِيضِ مِنْ نَسَائِكُمْ إِنْ آتَيْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةَ أَشْهُرٍ﴾ [الطلاق:4]

And 'Umar Bin Al Khattaab has said: if a divorcee ceases to menstruate after one or two cycles for no apparent reason, she must observe an 'idda period of nine months. If she is not pregnant, she must then observe an 'idda period of three months.

'Umar Bin Al Khattaab ruled as such since the woman in question is uncertain. Whereas, some say that her 'idda period is thirty years if she is young. They also say that her child is illegitimate if she delivers more than two years later. As for the early believers, they agreed that a child remains legitimate during the 'idda period, hence the former ruling is preponderant.

Our teacher has said: some women menstruate once a year while others do not do so at all. For this reason, scholars agree that the longest period of purity cannot be designated.

The age of menopause has not been mentioned in the Qur'aan or the prophetic tradition. Furthermore, had Allaah intended fifty or sixty year old women, he would have said: and those who have reached such and such age.

Ibn Abee Haatim has mentioned the following in his tafseer: Jareer, Moosa Bin Aa'yun, Mutrif Bin Tareef, and 'Amr Bin Saalim have narrated that Ubayy Bin Ka'b has said: I said: O messenger of Allaah, people in Al

Madeena are discussing the 'idda period of those who are pregnant or unable to menstruate, even though Allaah has not mentioned them. As a result, Allaah revealed the following: **{as for those who no longer menstruate or have yet to do so, their 'idda period is three months, and the 'idda period of pregnant women extends until delivery}** [At Talaaq/4].

﴿وَالَّتِي يَبْسُنُ مِنَ الْمَحِيضِ مِنْ نِسَائِكُمْ إِنْ أَرَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ وَالَّتِي لَا يَحِيضُ وَأُولَتْ الْأَحْمَالِ

أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مِنْ أَمْرِهِ يُسْرًا ﴿٤﴾﴾ [الطلاق: 4]

There was also a discussion concerning women who do not menstruate despite their maturity, i. e. do they observe the 'idda period of three months or one year like those who cease to menstruate for no apparent reason? Two views have been attributed to Ahmad.

Most scholars have said that they observe the former 'idda period, but they have not specified when menstruation begins. As a result, none should specify when menstruation ends.

Chapter

The 'Idda Period Of A Widow

As for the 'idda period of a widow, it is binding even if her marriage was not consummated. In addition, a couple may inherit from each other under the same circumstances. As for the dowry, it is established once it is named.

There is a discrepancy concerning the wisdom of this 'idda period, thus some have said that the purpose is to determine pregnancy. Whereas, others have said that this 'idda period is an act of worship with no apparent meaning. However, this is implausible for two reasons:

All laws are based upon wisdom, even if this wisdom is unapparent to most.

The 'idda period is in the best interest of the couple, the child, and the subsequent husband.

Our teacher has said: rather, this 'idda period is an act of sanctity. As a result, the widow observes abstinence therein. Similarly, the wives of the messenger of Allaah (may Allaah send salutations upon him) could not re-marry upon his death due to his magnitude. In fact, they will remain his wives even in the hereafter. As for other women, it could be harmful to prevent them from re-marrying, because the second husband could be better than the first one. However, a women who remains a widow for the sake of her children is commended.

Chapter

The 'Idda Period Of Divorce

It has been said that the 'idda period of divorce was imposed so that

husbands could retain their wives. Similarly, Allaah is entitled to confine these women to their homes, and their children are entitled to know their lineage. In addition, their mothers are entitled to a stipend since they and their husbands inherit from each other.

The following statement indicates that husbands are entitled to the 'idda period: **{O you who believe, when you divorce believing women whom you have not touched, they must not observe an 'idda period}** [Al Ahzaab/49].

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِذَا نَكَحْتُمُ الْمُؤْمِنَاتِ ثُمَّ طَلَقْتُمُوهُنَّ مِنْ قَبْلِ أَنْ تَمْسُوهُنَّ

فَمَا لَكُمْ عَلَيْهِنَّ مِنْ عِدَّةٍ تَعْتَدُونَهَا﴾ [الأحزاب: 49]

Allaah has also said: **{and their husbands are entitled to retain them}** [Al Baqara/228]. Similarly, one who withdraws from his wife is given an 'idda period of four months so that he may make a decision.

The glorified has said: **{once the 'idda period of those whom you divorce has ended, do not prevent them from marrying}** [Al Baqara/232].

﴿وَإِذَا طَلَقْتُمُ النِّسَاءَ فَلَنْ أَجَلَهُنَّ فَلَا تَعْضُلُوهُنَّ أَنْ يَنْكِحْنَ أَزْوَاجَهُنَّ﴾ [البقرة: 232]

{As the 'idda period of those whom you divorce concludes, kindly retain them} [Al Baqara/231].

﴿وَإِذَا طَلَقْتُمُ النِّسَاءَ فَلَنْ أَجَلَهُنَّ فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ﴾ [البقرة: 231]

There are two views regarding this verse:

It has been said that it refers to the onset of the third menstrual cycle. However, most of the companions held that it refers to bathing which they considered a prerequisite of a subsequent marriage.

One may ask: if a husband can retain his wife before she bathes, why is it stated that a decision be made as the 'idda period concludes?

The response: one must know that a husband has freedom of choice, thus his wife must await his decision during the 'idda period.

Chapter

As for the difference between the 'idda period of a woman whose divorce is raj'ee and the 'idda period of a woman whose divorce is baa'in, the husband is entitled to the former 'idda period, and the wife is entitled to a stipend therein. As for her housing, may she come and go as she pleases? Two views exist, and Ash Shaafi'ee and some of the companions of Ahmad maintained that she may act as such. Conversely, Aboo Haneefa and Ahmad

maintained that she must remain at home.

The truth of the matter is that a woman whose divorce is raj'ee must remain at home, because her housing and the housing of a widow are akin. As for a woman whose divorce is baa'in, she may come and go as she pleases, because the prophet (may Allaah send salutations upon him) said the following to Faatima Bint Qays: (there is no housing or stipend for you).

Is a husband entitled to retain his wife such that he can waive this right with one baa'in divorce? Is a couple entitled to khula' without compensation? Three views exist:

1. A husband is entitled to retain his wife such that he can waive this right with one baa'in divorce, and this was the view of Aboo Haneefa. It was also the view of Ahmad according to one narration.

2. A husband is not entitled to retain his wife such that he can waive this right with one baa'in divorce, and this was the view of Ash Shaafi'ee. It was also the view of Ahmad according to one narration.

3. A couple is entitled to khula' without compensation, and this was the view of Maalik. It was also the view of Ahmad according to one narration.

The truth of the matter is that a couple may not forgo a raj'ee divorce, nor may a couple annul their marriage without compensation.

The legislator only allows what is beneficial. As a result:

One may not divorce more than three times.

One may not divorce three times in one instance

One may not divorce during a period of impurity or a period of purity in which sexual intercourse has occurred.

One may not marry more than four wives.

Similarly, one who is imprudent may not manage his funds. Consequently, women have no control over divorce.

If a husband may not forgo a raj'ee divorce, he certainly may not effect an unlawful divorce, because an unlawful divorce causes greater regret than a baa'in divorce. As a result, those who invalidate a baa'in divorce must certainly invalidate an unlawful divorce.

Chapter

The 'Idda Period Of A Woman Who Engages In Khula'

We have already mentioned that the messenger of Allaah (may Allaah send salutations upon him) has ruled that a woman who engages in khula' observes an 'idda period of one menstrual cycle. This was the view of:

'Uthmaan Bin 'Affaan

Ibn 'Abbaas

Ishaaq Bin Raahawayh

Ahmad Bin Hanbal

In fact, this view was chosen by our teacher. We will now mention

applicable prophetic traditions:

Aboo 'Alee Muhammad Bin Yahya Al Marwazee, Shaadhaan 'Abdul 'Azeez Bin 'Uthmaan, Ubayy, 'Alee Bin Al Mubaarak, Yahyaa Bin Abee Katheer, Muhammad Bin 'Abdir Rahmaan, and Rubayyi' Bint Mua'wwidh have narrated that Thaabit Bin Qays broke his wife's hand, namely Jameela Bint 'Abdillaah Bin Ubayy. Consequently, her brother came to the messenger of Allaah (may Allaah send salutations upon him) who said the following to Thaabit: (take the dowry and part with her). Thereafter, he ordered her to observe an 'idda period of one menstrual cycle and to join her family. Narrated by An Nasaa'ee.

'Ubaydullaah Bin Sa'd Bin Ibraaheem Bin Sa'd, his uncle, Ubayy, Ibn Ishaq, and 'Ubaada Bin Al Waleed Bin 'Ubaada Bin As Saamit have narrated that Rubayyi' Bint Mua'wwidh has said: when I left my husband, I questioned 'Uthmaan concerning the 'idda period. He replied: remain for the duration of one menstrual cycle. In reality, he emulated the messenger of Allaah (may Allaah send salutations upon him) who ruled as such concerning Maryam the wife of Thaabit Bin Qays. Narrated by An Nasaa'ee.

'Ikrima and Ibn 'Abbaas have narrated that the wife of Thaabit Bin Qays left him, so the messenger of Allaah (may Allaah send salutations upon him) ordered her to observe an 'idda period of one menstrual cycle. Narrated by Aboo Daawud.

There Is No Contradiction Between The Ruling Which States That A Widow Observes The 'Idda Period At Home And The Ruling Which States That A Woman May Stay Wherever She Pleases If Her Divorce Is Baa'in

It has been relayed in the Sunan collections that Zaynab Bint Ka'b has narrated that Al Faree'a Bint Maalik the sister of Aboo Sa'eed Al Khudree asked the messenger of Allaah (may Allaah send salutations upon him) if she could return to her family, because her husband had left in search of runaway slaves, though when he found them, they killed him.

She said: I asked the messenger of Allaah (may Allaah send salutations upon him) if I could return to my family, because the home which I was in did not belong to my husband, and I was left without a stipend. As a result, the messenger of Allaah (may Allaah send salutations upon him) said: (yes). Thereafter, he said: (repeat your story) , and I did. He said: (remain at home for the duration of the 'idda period) , so I did so for four months and ten days. Once I informed 'Uthmaan, he ruled as such.

At Tirmidhee has said: this is a reliable narration (hasan saheeh).

Aboo 'Umar Ibn 'Abdil Barr has said: this narration is well known to the scholars of Iraq and the Hijaz.

Aboo Muhammad Bin Hazm has said: this narration is unreliable, because Zaynab Bint Ka'b is unknown, and only Sa'd Bin Ishaq has

relayed her athar. Furthermore, his credibility is unknown.

Aboo Muhammad was mistaken, because this narration is well known to the scholars of Iraq and the Hijaz. In fact, Maalik included it in his Muwatta.

As for the statement of Aboo Muhammad: Zaynab Bint Ka'b is unknown, she was unknown to him. Whereas, Ibn Hibbaan has mentioned her in his book of reliable narrators.

As for the statement of Aboo Muhammad: and only Sa'd Bin Ishaq has relayed her athar, Ibn Hibban has mentioned him in his book of reliable narrators. He was also declared reliable by An Nasaa'ee and Ad Daaraqutnee.

The companions and those after them have differed in this regard, thus 'Abdur Razzaaq has relayed that Ma'mar, Az Zuhree, and 'Urwa Bin Az Zubayr have narrated that 'Aa'isha ruled that a widow could leave home during her 'idda period. In fact, she went out with her sister Umm Kulthoom after the death of Talha Bin 'Ubaydillaah.

'Abdur Razzaaq has relayed that Ibn Jurayj and 'Ataa have narrated that Ibn 'Abbaas has said: Allaah the magnificent has said: a widow observes an 'idda period of four months and ten days. However, he did not say: and she does so at home. As a result, a woman may observe the 'idda period wherever she pleases.

'Alee Bin Al Madeeneh has said: Sufyaan Bin 'Uyayna and Ibn Jurayj have narrated that 'Ataa has said: I have heard Ibn 'Abbaas say: Allaah the most high has said: **{as for widows, they observe an 'idda period of four months and ten days}** [Al Baqara/234].

﴿وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذَرُونَ أَزْوَاجًا يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا﴾ [البقرة: 234]

However, he did not say: and she does so at home. As a result, a woman may observe the 'idda period wherever she pleases.

'Abdur Razzaaq has relayed that Ibn Jurayj and Az Zubayr have narrated that Jaabir Bin 'Abdillaah has said: a widow observes the 'idda period wherever she pleases.

'Abdur Razzaaq has relayed that Muhammad Bin Muslim and 'Amr Bin Deenaar have narrated that Taawoos and 'Ataa have said: a widow and a woman whose divorce is baa'in may move about.

'Abdur Razzaaq has relayed that Ibn Jurayj and 'Ataa have said: it is of no consequence where a widow observes the 'idda period.

Ibn 'Uyayna has relayed that 'Amr Bin Deenaar has narrated that 'Ataa and Aboo Ash Sha'thaa has said: a widow may move about during her 'idda period.

Ibn Abee Shayba has relayed that 'Abdul Wahhaab Ath Thaqafee has narrated that Habeeb Al Mu'allim has said: I asked 'Ataa if a widow and a woman whose divorce is baa'in may perform pilgrimage during their 'idda

period, and he replied: yes. Al Hasan also ruled as such.

Ibn Wahb has relayed that Ibn Luhay'a and Hunayn Bin Abee Hakeem have narrated that the wife of Muzaahim asked 'Umar 'Abdil 'Azeez: shall I remain for the duration of the 'idda period? He replied: observe the 'idda period with your father.

Ibn Wahb has said: Yahya Bin Ayyoob has narrated that Yahya Bin Sa'eed Al Ansaaree was questioned regarding a widow. He replied: if she would like to observe the 'idda period where her husband died, she may. However, she may also return to his home.

Ibn Wahb has relayed that 'Amr Bin Al Haarith has narrated that Bakeer Bin Al Ashajj said: I questioned Saalim Bin 'Abdillaah Bin 'Umar regarding the 'idda period of a woman whose husband dies while they are abroad. He replied: she may observe the 'idda period at the place of his death, or she may return to his home.

This was the view of all Dhaahiree scholars, and those who agree maintain that Allaah the glorified enjoined an 'idda period of four months and ten days without specifying where it is observed.

They also assert that Ahmad Bin Muhammad Al Marwazee, Moosa Bin Mas'ood, and Shibl have narrated that Ibn Abee Najeesh has said: 'Ataa has said: Ibn 'Abbaas has said: a woman must no longer observe the 'idda period with her family due to the following verse: **{without expulsion}** [Al Baqara/240]. Narrated by Aboo Daawud.

Conversely, some companions and some who succeeded them have said that a widow observes the 'idda period at home. As a result, Wakee' has relayed that Ath Thawree, Mansoor, Mujaahid, and Sa'eed Bin Al Musayyib have narrated that 'Umar turned widows away from Dhool Hulayfa who came to perform hajj and 'umra.

'Abdur Razzaaq has relayed that Ibn Jurayj and Hameed Al A'raj have narrated that Mujaahid has said: 'Umar and 'Uthmaan would turn widows away from Al Juhfa and Dhool Hulayfa who came to perform hajj and 'umra.

'Abdur Razzaaq has relayed that Ma'mar, Ayyoob, and Naafi' have narrated that Ibn 'Umar had a daughter who was a widow. During the day, she would visit her family, though once nightfall arrived, Ibn 'Umar would order her to return.

Sa'eed Bin Mansoor has relayed that Hushaym and Ismaa'eel Bin Abee Khaalid have narrated that Ash Shu'ba was asked if a widow may move about during the 'idda period. He replied: most of the companions of Ibn Mas'ood have said that she may not.

Sa'eed Bin Mansoor has relayed that Ibn 'Uyayna and 'Amr Bin Deenaar have narrated that 'Ataa and Jaabir have said the following concerning a widow: she may not move about.

Wakee' has relayed that Al Hasan Bin Saalih and Al Mugheera have narrated that Ibraaheem has said the following concerning a widow: she may leave by day, though she must return by night.

Hamaad Bin Zayd has relayed that Ayyoob As Sikhtiyaanee and Muhammad Bin Seereen have narrated that an ill widow was displaced by her family. Thereafter, they sought a ruling, and all whom they questioned replied that she must return to her husband's home.

This was the view of Aboo Haneefa, Maalik, Ash Shaafi'ee, and Ahmad.

Aboo 'Umar Bin 'Abdil Barr has said: this view is upheld in various regions.

This group has relied upon the narration of Al Faree'a Bint Maalik, and 'Uthmaan Bin 'Affaan ruled in accordance with it before the muhaajiroon and ansaar. In fact, this narration has been accepted by scholars of various regions.

This group has said: we do not deny that the early believers differed, but the prophetic tradition has intervened. Aboo 'Umar Bin 'Abdil Barr has said: scholarly consensus is unnecessary due to the prophetic tradition.

'Abdur Razzaaq has relayed that Ma'mar has narrated that Az Zuhree has said: those who allowed a widow to move about relied upon the statement of 'Aa'isha while those who did not relied upon the statement of Ibn 'Umar.

One may ask: may a woman remain at home or must she remain at home?

The response: a woman must remain at home if she is the homeowner or if heirs have given her the home, provided she is not at risk. Otherwise, she may move, and she may also do so if heirs displace her or seek rent.

May this woman move wherever she pleases or must she move to the nearest home? Two views exist.

Does a widow deserve housing such that she takes precedence over creditors and heirs, or is inheritance her only right?

This is a matter of discrepancy, thus Ahmad has said: a widow does not deserve housing unless she is pregnant, though she must remain if she is given the home. As for a widow who is pregnant, the following has been narrated:

A pregnant widow deserves housing such that she takes precedence over creditors and heirs. However, if heirs must sell the home to pay a debt during the 'idda period, they must rent her a home with the funds of her husband. Otherwise, the judge may force them to do so, and a widow may not leave home unnecessarily. In fact, a widow may not move even with the consent of heirs.

It has also been narrated that a non-pregnant widow deserves housing such that she takes precedence over creditors and heirs. Consequently, Ahmad maintained three views:

A widow does not deserve housing such that she takes precedence over creditors and heirs.

Only a pregnant widow deserves housing such that she takes precedence over creditors and heirs

A non-pregnant widow also deserves housing such that she takes precedence over creditors and heirs.

As for Maalik, he maintained that a widow deserves housing such that she takes precedence over creditors and heirs even if she is not pregnant.

The companions of Maalik have said: a widow deserves housing such that she takes precedence over creditors and heirs, provided her husband was the homeowner or a rent paying tenant.

As for Ash Shaafi'ee, he has said:

A non-pregnant widow also deserves housing such that she takes precedence over creditors and heirs.

A widow does not deserve housing such that she takes precedence over creditors and heirs.

Ash Shaafi'ee maintained that a widow as well as a woman whose divorce is baa'in must remain at home during the 'idda period. In fact, he believed that the latter is more obliged to do so since the former may fulfil her needs during the day according to his initial stance. As for a woman whose divorce is raj'ee, he maintained that it is merely preferred for her to remain at home.

Ahmad maintained that a widow is more obliged to remain at home than a woman whose divorce is raj'ee. As for a woman whose divorce is baa'in, he did not say that she must stay at home.

As for the companions of Aboo Haneefa, they have said: a woman whose divorce is raj'ee or baa'in must remain at home night and day. Whereas, a widow may move about during the day and the early evening.

They have said: as for the difference between a divorcee and a widow, the former receives a stipend from her husband, thus she must remain at home like a wife. Whereas, the latter does not receive a stipend, thus it is inevitable that she leave to fulfil her needs.

They have said: a widow must observe the 'idda period at her residence. However, if her share of the home is insufficient, or if heirs expel her, she may move, because she is excused.

They have said: if a widow is incapable of paying the rent, she may move to a home which is less expensive.

What they have said seems to indicate that a widow is responsible for her rent, because they maintain that she does not deserve housing even if she is pregnant.

What befell the narration of Faatima Bint Qays has befallen the narration of Al Faree'a Bint Maalik. Namely, some have said: we will not leave the

book of Allaah for the statement of a woman, because Allaah has enjoined an 'idda period of four months and ten days without specifying where it is observed. In addition, 'Aa'isha ruled that a widow may observe the 'idda period wherever she pleases, and she opposed Faatima Bint Qays stating that a divorcee is entitled to housing.

Some have said: many companions were slain during the era of the prophet (may Allaah send salutations upon him), and their wives observed the 'idda period. As a result, if every woman remained at home, it would be common knowledge.

If women observed the 'idda period at home, Al Faree'a Bint Maalik would not have sought permission to observe the 'idda period with her family. In fact, she would have been denied permission.

Others have said: if we were to reject the narrations of women, a great deal of the prophetic tradition would be lost. As for the Qur'aan, we cannot say that the prophetic tradition is at variance. Rather, the most one could say is that the prophetic tradition has highlighted a ruling which the Qur'aan has not addressed, and the prophetic tradition is not rejected in this case.

As for the mother of the believers, perhaps she was unaware of the narration of Al Faree'a Bint Maalik, or maybe she reinterpreted it, or maybe she was prevented from accepting it.

As for those who died during the era of the prophet (may Allaah send salutations upon him), it has not been narrated that their wives observed the 'idda period wherever they pleased, and their narrations are not at variance with Faree'a Bint Maalik. As a result, a prophetic tradition cannot be left for an unknown scenario.

'Abdur Razzaq has relayed that Ibn Jurayj and 'Abdullaah Bin Katheer have narrated that Mujaahid has said: men were slain on the day of Uhud, so their wives came to the messenger of Allaah (may Allaah send salutations upon him) and said: O messenger of Allaah, since we are lonely during the evening, we spend the night together and return by morning. As a result, the messenger of Allaah (may Allaah send salutations upon him) said: (return when you wish to sleep).

Although this narration is unreliable (mursal), Mujaahid either heard it from a reliable taabi'ee or a companion. As for the taabi'oon, they were second in virtue only to the companions who were their source of knowledge. Consequently, it is inconceivable that they would lie concerning the messenger of Allaah (may Allaah send salutations upon him) or that they would depend upon unreliable narrators. However, this does not apply to mursal narrations which were relayed by following generations, and success lies with Allaah.

The Ruling Of The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Concerning Mourning During The 'Idda Period

Hameed Bin Naafi' has narrated that Zaynab Bint Abee Salama has said: I came to Umm Habeeba the wife of the prophet (may Allaah send salutations upon him) upon the death of her father Sufyaan. Thereafter, she called for fragrance and said: by Allaah, I do not need this. Rather, I heard the messenger of Allaah (may Allaah send salutations upon him) say: (a woman who believes in Allaah and the last day may not mourn for more than three days. However, she does so for four months and ten days when the deceased is her husband). Narrated by Al Bukhaaree and Muslim.

Zaynab Bint Abee Salama has said: I then came to Zaynab Bint Jahsh upon the death of her brother. Thereafter, she called for fragrance and said: by Allaah, I do not need this. Rather, I have heard the messenger of Allaah (may Allaah send salutations upon him) say: (a woman who believes in Allaah and the last day may not mourn for more than three days. However, she does so for four months and ten days when the deceased is her husband). Narrated by Al Bukhaaree and Muslim.

Al Hasan Bin Muslim, Safiyya Bint Shayba, and Umm Salama the wife of the prophet (may Allaah send salutations upon him) have narrated that he has said: (a widow may not wear yellow fabric, torn fabric, or jewelry, nor may she use antimony or dye). Narrated by Aboo Daawud.

The aforementioned prophetic traditions entail several rulings:

A woman may not mourn for more than three days unless the deceased is her husband.

A woman must mourn if the deceased is her husband. Otherwise, she is simply allowed to do so.

The mourning of a widow is a rule, otherwise it is an exception. In fact, this entire nation agrees that a widow is obliged to mourn. However, Hamaad Bin Salama and Hameed have narrated that Al Hasan has said that a widow and a woman whose divorce is baa'in may do what they please. Similarly, Ash Shu'ba has mentioned that Al Hakam has said that a widow does not mourn.

Hamaad Bin Salama has relayed that Al Hajjaaj Bin Artaa, Al Hasan Bin Sa'd, and 'Abdullaah Bin Shadaad have narrated that Asmaa Bint 'Umays sought permission to weep upon the death of her husband Ja'far, and she was allowed to do so for three days.

Some have said that the aforementioned narration has abrogated prophetic traditions, because it is subsequent. Namely, Umm Salama has narrated that she was commanded to mourn upon the death of Aboo Salama, though all agree that he died before Ja'far.

Some have said that the aforementioned sanad contains Al Hajjaaj Bin Artaa whose narrations do not challenge those of reliable scholars.

Chapter

A widow mourns for the duration of the 'idda period. Whereas, if she is

pregnant, she does so until she delivers. Thereafter, she may marry and act as usual.

One may ask: if pregnancy exceeds four months and ten days, is mourning no longer an obligation?

The response: mourning extends until delivery, because it is subject to the 'idda period.

Chapter

All widows are equal in terms of mourning, and this is the majority opinion. However, Ashhab and Ibn Naafi' have said that a widow who enjoys immunity does not mourn. This was also the view of Aboo Haneefa and Maalik, though Aboo Haneefa maintained that a young widow does not mourn either.

Proponents of this view have argued that the prophet (may Allaah send salutations upon him) confined mourning to believers. As a result, disbelievers are excluded since they are legally irresponsible.

Analysis reveals that an injunction which is directed to believers can also include disbelievers. For example, it if were said: a believer may not neglect prayer, pilgrimage, and charity, one could not deduce that a disbeliever is exempt. Similarly, the prophet (may Allaah send salutations upon him) has said the following concerning silk: (it does not befit the reverent). However, one could not deduce that it befits the ungodly.

Those who obliged a widow to mourn even if she enjoys immunity have said that she must do so since the deceased is Muslim. For this reason, she observes the 'idda period. Similarly, one who enjoys immunity must abide by the law after signing a contract with a Muslim.

Chapter

A slave must not mourn since she is not her master's wife, and Ibn Al Mundhir has said: I know of no discrepancy in this regard.

One may ask: may she mourn for three days?

The response: she may certainly mourn for three days, because a woman may not do so thereafter unless the deceased is her husband. As for a widow, she is obliged to mourn for four months and ten days.

Sa'eed Bin Al Musayyib, Aboo 'Ubayd, Aboo Thawr, and Aboo Haneefa have said that a woman whose divorce is baa'in is also obliged to mourn, and their ruling is based upon analogy since she and a widow both observe the 'idda period.

They have also said: the significance of mourning is understandable. Namely, beauty attracts men, thus a divorcee could lie concerning the duration of her 'idda period in order to marry faster. Consequently, beautification has been prohibited as a preventative measure. Whereas, a

widow is usually unable to lie concerning the duration of her 'idda period since her husband's death is typically common knowledge, not to mention that the 'idda period of a widow is observable. Conversely, the 'idda period of a divorcee is three quroo, and these quroo are not observable. As a result, a woman whose divorce is baa'in warrants more caution than a widow.

The following has been said: one can only prohibit beautification that Allaah and his messenger have prohibited, and Allaah has forbade that a widow adorn herself during the 'idda period. Whereas, his messenger has allowed non-widows to avoid beautification while mourning. In fact, it is essentially lawful, though it is not a vital part of the 'idda period, nor is it subject to the 'idda period. For this reason, all agree that the following women are not obliged to mourn:

- a woman whose marriage has possibly been consummated
- a woman whose relationship was illicit
- a woman who requires istibraa
- a woman whose divorce is raj'ee

This analogy is more appropriate than the analogy which compares a divorcee to a widow, because the former observes an 'idda period of three quroo.

In reality, the objective of mourning is to commemorate marriage, thus the 'idda period is one of inviolability.

Since the objective of mourning is to commemorate marriage, a widow is more entitled to grieve than any of her relatives.

Initially, a marriage is publicized, and it is witnessed while the drum is beaten. Ultimately, the 'idda period is observed, and mourning may accompany it. This is to emphasize that a lawful relationship and an illicit one are not alike.

Chapter

What A Mourning Widow Avoids

A mourning widow avoids the following according to text and not opinion:

- fragrance

The prophet (may Allaah send salutations upon him) has said: (and she must avoid fragrance) , and all who enjoin mourning agree.

Chapter

bodily adornment

The prophet (may Allaah send salutations upon him) forbade dye, thus one may deduce that cosmetics such as antimony are also unlawful. In fact, Aboo Muhammad Bin Hazm has said: a mourning widow may not apply

antimony at all, and his stance is supported by a narration of Umm Salama which Al Bukhaaree and Muslim have agreed upon. Namely, it was feared that a widow would lose her sight, so permission was sought so that she could apply antimony. However, the prophet (may Allaah send salutations upon him) said: (no) two or three times. He then mentioned that widows would patiently mourn for a year during the period of ignorance.

Antimony is surely enticing, thus antimony and fragrance are akin. However, some Shaafi'ee scholars have made a concession for black women, but their approach is at variance with text, because the prophet (may Allaah send salutations upon him) did not distinguish between blacks and whites.

As for Aboo Haneefa, Maalik, Ash Shaafi'ee, and Ahmad, they have said: a mourning widow may apply ithmid by night if she is forced to do so for medical reasons. However, she must remove it by day. Their stance is supported by the following statement of Umm Salama concerning jilaa: only use antimony if necessary; apply it by night and remove it by day.

This seems to conflict with her narration which Al Bukhaaree and Muslim have agreed upon. As a result, Aboo 'Umar has said: the prophet (may Allaah send salutations upon him) said: (no) because the one whom permission was sought for was not really at risk. Otherwise, he would have conceded. For this reason, Maalik used the ruling of Umm Salama to explain the aforementioned prophetic tradition.

Maalik has mentioned in the Muwatta that Saalim Bin 'Abdillaah and Sulaymaan Bin Yasaar have said the following concerning mourning widows: she may apply antimony if she fears for her vision, even if it is scented. Aboo 'Umar has said: this is because the objective is medical and not cosmetic, and actions are judged by intentions.

Ash Shaafi'ee has said: jilaa is a cosmetic and not a fragrance, thus Umm Salama allowed a mourning widow to apply it by night and to remove it by day, and this applies to similar cosmetics.

Aboo Muhammad Bin Qudaama has said the following in Al Mughnee: rather, a mourning widow may not apply ithmid, because it beautifies. As for other types of antimony which do not beautify, they are permissible.

He has said: a mourning widow may apply jilaa to her body but not her face, because jilaa is like dye.

He has said: a mourning widow may clip her nails and remove pubic hair.

Ibraaheem Bin Haanee An Naysabooree has said the following in his book of issues: someone asked Aboo 'Abdillaah if a mourning widow could apply ithmid. He replied: no, though she may apply jilaa if she fears for her vision.

Chapter

decorative clothing

Unspecified clothing is also unlawful if it resembles clothing which is prohibited or is likely to be prohibited.

The prophet (may Allaah send salutations upon him) has said: (and she may not wear dyed fabric). He has also said: (and she may not wear yellow fabric or torn fabric).

Ash Shaafi'ee has said: there is clothing which improves ones appearance, and clothing which covers ones body, and the former is unlawful for a mourning widow. As a result, she may cover her body with white or black fabric, because it is not decorative. This also applies to wool and woven fabric. As for decorative clothing, it is unlawful for a mourning widow regardless of her status.

Aboo 'Umar has said: the statement of Ash Shaafi'ee resembles the statement of Maalik.

Ibn 'Umar has said: a mourning widow may not:

apply antimony

apply fragrance

apply dye

wear yellow fabric

wear dyed fabric

wear striped fabric

wear embroidered fabric

wear jewelry

wear antimony as a cosmetic

'Abdur Razzaaq has relayed that Sufyaan Ath Thawree, 'Ubaydullaah Bin 'Umar, and Naafi' have narrated that Ibn 'Umar has said: a mourning widow may not:

apply fragrance

apply dye

apply antimony

wear dyed fabric

However, she may wear a jilbaab which is dyed with 'asb.

Umm 'Atiyya has said: a mourning widow may not:

wear dyed fabric, unless it is dyed with 'asb

apply fragrance

apply antimony which is used as a cosmetic

Ibn 'Abbaas has said: a mourning widow must avoid fragrance and adornment.

Umm Salama has said: a mourning widow may not:

wear dyed fabric at all

apply antimony

wear jewelry

apply dye

apply fragrance

‘Aa’isha has said: a mourning widow may not:

wear yellow fabric

apply fragrance

apply antimony

wear jewelry

However, she may wear fabric dyed with ‘asb.

Chapter

As for the face veil, Al Kharqee has said the following in his abridged writing: a mourning widow and a woman whose divorce is baa’in who is away from home may not:

wear fragrance

apply ithmid

wear a niqaab

Ishaaq Bin Haanee An Naysabooree has said the following in his book of issues: I asked Aboo ‘Abdillaah if a woman could wear a niqaab or apply oil during the ‘idda period and he replied: she may.

Rather, he disliked that a mourning widow beautify herself. Whereas, Aboo Daawud has said the following in his book of issues concerning a mourning widow, a woman whose divorce is baa’in, and a woman who has entered ihraam: she may not apply fragrance or beautify herself. Consequently, he has not distinguished between a mourning widow and a woman who has entered ihraam, and this seems to suggest that the latter may not wear a niqaab.

Aboo Muhammad has said the following in Al Mughnee: a mourning widow may not wear a niqaab or a burqu’ etc. , because a woman who observes the ‘idda period and a woman who has entered ihraam are akin.

Chapter

One may ask: what about fabric which is dyed and then woven?

The response: it has been said that this fabric may not be worn, because it is finer, and also because it resembles fabric which is woven and then dyed.

It has also been said that this fabric may be worn, because the messenger of Allaah (may Allaah send salutations upon him) has said: (unless it is dyed with ‘asb) , i. e. unless it is dyed and then woven.

As Suhaylee has said: wars and ‘asb grow only in Yemen.

In reality, the prophet (may Allaah send salutations upon him) allowed a mourning widow to wear fabric dyed with ‘asb since it cannot beautify her, and Allaah knows best.

Chapter

The Ruling Of The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Concerning Istibraa/Determining Lack Of Pregnancy

Aboo Sa'eed Al Khudree has narrated that the prophet (may Allaah send salutations upon him) has said the following concerning the captives of Awtaas: (one may not have sex with a pregnant captive until she delivers, and one may not have sex with a non-pregnant captive until one menstrual cycle elapses). Narrated by Ahmad and Aboo Daawud.

Ruwayfi' Bin Thaabit has narrated that the prophet (may Allaah send salutations upon him) has said: (he who believes in Allaah and the last day may not have sex with a captive before istibraa). Narrated by Aboo Daawud.

Ahmad has narrated the following: (he who believes in Allaah and the last day may not have sex with a non-virgin captive until one menstrual cycle elapses).

Ibn 'Umar has said: if a slave is sold, emancipated or bestowed, let one menstrual cycle pass unless she is a virgin. Narrated by Al Bukhaaree.

'Abdur Razzaaq has relayed that Ma'mar, 'Amr Bin Muslim, and Taawoos have narrated that the messenger of Allaah (may Allaah send salutations upon him) ordered a herald to announce the following during some military expeditions: (a man may not have sex with a pregnant captive, nor may he have sex with a non-pregnant captive until one menstrual cycle elapses).

'Abdur Razzaaq has relayed that Sufyaan Ath Thawree and Zakariyyaa have narrated that Ash Shu'ba has said: the believers took prisoners on the day of Awtaas. As a result, the messenger of Allaah (may Allaah send salutations upon him) ordered them not to have sex with pregnant captives until they deliver, and he ordered them not to have sex with non-pregnant captives until one menstrual cycle elapses.

Chapter

The aforementioned prophetic traditions entail the following rulings:

One may not have sex with a captive before istibraa. As a result, if the captive is pregnant, one must wait until she delivers. Otherwise, one must wait until one menstrual cycle elapses.

There is a discrepancy concerning the following individuals:

a captive who does not menstruate

a virgin

a captive who is sold shortly after menstruating

Aboo Haneefa, Ash Shaafi'ee, and Ahmad maintained that each scenario necessitates istibraa since prophetic traditions are general in this regard.

They also relied upon statements of the companions, and 'Abdur Razzaaq has relayed that Ibn Jurayj has narrated that 'Ataa has said: three merchants shared a slave who gave birth. Consequently, 'Umar Bin Al Khattaab sought a qaa'if. Thereafter, he said: one may not sell a slave until one menstrual cycle elapses, though if she does not menstruate, he must wait forty-five nights.

Aboo Haneefa, Ash Shaafi'ee, and Ahmad have said: Allaah has imposed a three month 'idda period upon those who no longer menstruate or have yet to do so. Consequently, since istibraa is the 'idda period of a slave, those who no longer menstruate or have yet to do so also require istibraa.

Others such as Maalik have said: since the purpose of istibraa is to determine lack of pregnancy, it is unnecessary when one is certain that his slave is not pregnant. Similarly, 'Abdur Razzaaq has relayed that Ma'mar, Ayyoob, and Naafi' have narrated that Ibn 'Umar has said: istibraa is not required when a slave is a virgin. In fact, Al Bukhaaree has also narrated this statement.

In summary, a slave who cannot become pregnant does not require istibraa. Whereas, if one feels that his slave could possibly be pregnant, istibraa is imperative. As for one who feels that his slave is not pregnant though is not certain, the legal school has adopted two opinions.

The author of Al Jawaahir has said: a girl who is near the child rearing age requires istibraa, i. e. a girl who is thirteen or fourteen. As for a girl who is capable of sexual intercourse though is unlikely to conceive, i. e. a girl who is nine or ten, two views exist. The narration of Ibn Al Qaasim is affirmative while the narration of 'Abdul Hakam is negative.

A woman between the onset of menstruation and menopause requires istibraa, i. e. a woman who is forty or fifty. As for a woman past the onset of menopause, Ibn Al Qaasim and 'Abdul Hakam maintained divergent opinions.

As for a slave who is feared to have fornicated, two views exist, and Ashhab ruled in the negative.

As for an unsightly slave, two views exist. However, a master usually does not have sex with such a woman.

As for a slave who is sold by a woman, a castrated man, or an unlawful relative, two views have been attributed to Maalik.

As for a slave who can no longer pay for freedom and returns to her master, Ibn Qaasim has ruled in the affirmative while Ashhab has ruled in the negative.

As for a virgin, Aboo Al Hasan has said: istibraa is preferred. However, other companions of Maalik have said: istibraa is obligatory.

If one buys a slave and is aware that istibraa has preceded, istibraa does not remain outstanding.

If one gives his slave to another for safe keeping after *istibraa*, *istibraa* does not remain outstanding, provided the slave is isolated.

Ibn Al Qaasim has said: if one buys a slave from his wife or young son, *istibraa* is not required if the slave is menstruating and isolated. Whereas, Ashhab has said: if the slave and the buyer live together, *istibraa* is not required even if she moves about.

If one buys a slave upon the return of the master, *istibraa* is not required if the slave did not move about beforehand or did so while menstruating and remains as such.

If a slave is sold at the onset of her menstrual cycle, *istibraa* is not required according to Maalik.

If one buys his partner's share of their slave, *istibraa* is not required if she was menstruating while in his possession.

Aboo Al 'Abbaas Ibn Taymiyya has said: a virgin does not require *istibraa*, and this was the view of Ibn 'Umar.

Rather, the prophet (may Allaah send salutations upon him) forbade that one have sex with a captive who has yet to deliver or menstruate.

One may say: since this is a general prohibition, it includes virgins.

The response: this is a general prohibition which is specified when *istibraa* is unnecessary. It is also specified by the following statement: (one who believes in Allaah and the last day may not have sex with a captive until one menstrual cycle elapses) , and the uncontested view of a companion.

Burayda has said: the messenger of Allaah sent 'Alee to Khaalid in order to collect 1/5 of the spoils of war. As a result, 'Alee chose a captive. Once he had bathed, I asked Khaalid: have you seen what he has done? Thereafter, I informed the prophet (may Allaah send salutations upon him) who asked: (O Burayda, do you hate 'Alee) ? I replied: yes. He said: (do not hate him, because his share is even greater). Narrated by Al Bukhaaree.

Consequently, this captive was a virgin or her menstrual cycle was about to end. Whatever the case may be, 'Alee must have been certain that she was not pregnant.

If you were to aptly reflect upon the following statement of the prophet (may Allaah send salutations upon him) : (one may not have sex with a pregnant captive until she delivers, and one may not have sex with a non-pregnant captive until one menstrual cycle elapses) , you would realize that those who cannot conceive are included as a precaution.

In light of this, a slave requires *istibraa* if her condition is unknown when purchased, and this is understandable. As a result, *istibraa* is not an act of worship which lacks significance.

Similarly, if a woman fornicates and wishes to marry thereafter, *istibraa* is required. This also applies to a woman who commits adultery or a baby's

mother whose master dies.

‘Abdullaah Bin Ahmad has said: I asked my father: what is the ‘idda period of a baby’s mother whose master dies or emancipates her? He replied: her ‘idda period is one menstrual cycle.

There is a discrepancy in this regard, thus some have said that her ‘idda period is four months and ten days claiming that she is free. Whereas, others have said that her ‘idda period is three months, but this is the ‘idda period of a divorcee.

Saalih has narrated that Ahmad has said: a baby’s mother observes an ‘idda period of one menstrual cycle if her master dies or of she is emancipated. Rather, she is treated as a slave under all circumstances.

Muhammad Bin Al ‘Abbaas has narrated that Ahmad has said: a baby’s mother observes an ‘idda period of four months and ten days if her master dies.

Aboo Muhammad has said the following in Al Mughnee: Aboo Al Khattaab has narrated that Ahmad has said: a baby’s mother observes an ‘idda period of twenty-five days. However, I did not find this narration in Al Jaami’ and I do not think that it is reliable.

As for the evidence of those who have said that the ‘idda period of a baby’s mother is four months and ten days, ‘Amr Bin Al ‘Aas has said: the ‘idda period of a baby’s mother is four months and ten days. Narrated by Aboo Daawud.

This was the view of:

Muhammad Bin Seereen

Mujaahid

‘Umar Bin ‘Abdil ‘Azeez

Az Zuhree

Al Awzaa’ee

Ishaaq

They have said: the ‘idda period of a baby’s mother is four months and ten days because she is free.

It has been narrated that ‘Alee and Ibn Mas’ood maintained that the ‘idda period of a baby’s mother is three menstrual cycles, and this was also the view of:

‘Ataa

An Nakha’ee

Ath Thawree

Aboo Haneefa

They have said: since a baby’s mother is neither a wife or a widow, she resembles a divorcee. As a result, she observes an ‘idda period of three quuroo.

The truth of the matter is that a baby’s mother observes an ‘idda period

of one menstrual cycle, and this was the view of:

‘Uthmaan Bin ‘Affaan

‘Aa’isha

‘Abdullaah Bin ‘Umar

Al Hasan

Ash Shu’ba

Al Qaasim Bin Muhammad

Aboo Muhammad

Makhool

Maalik

Ash Shaafi’ee

Ahmad

Aboo ‘Ubayd

Aboo Thawr

Ibn Al Mundhir

In this case, istibraa is required due to the cessation of ownership, so the ‘idda period is no different than the ‘idda period of a woman who is captive, bound, or emancipated. As for the narration of ‘Amr Bin Al ‘Aas, Ibn Al Mundhir has said: Ahmad and Aboo ‘Ubayd have declared the narration of ‘Amr Bin Al ‘Aas unreliable.

Muhammad Bin Moosa has said: I questioned Aboo ‘Abdillaah concerning the narration of ‘Amr Bin ‘Aas, and he replied: it is not reliable.

Al Maymoonee has said: Aboo ‘Abdillaah has said: four months and ten days is the ‘idda period of a free woman.

As for those who have said that the ‘idda period of a baby’s mother is four months and ten days, they believed that she is more of a wife than a slave since she becomes free upon her master’s death. Conversely, those who disagreed with them have said: a baby’s mother is judged as a slave, because the following verse does not include her: **{and you deserve half of your wives bequest}** [An Nisaa/12].

﴿وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ﴾ [النساء: 12]

They have also said: a widow does not observe an ‘idda period of four months and ten days simply because istibraa is required. Rather, this ‘idda period is one of sanctity.

As for the ‘idda period of a slave, the objective is merely istibraa. Consequently, one menstrual cycle is sufficient.

Chapter

Lack of pregnancy is not determined by purity. Rather, one menstrual cycle is necessary, and this is the majority opinion.

Ash Shaafi’ee and the companions of Maalik have said: lack of

pregnancy is determined after one period of purity, thus *istibraa* concludes at the outset of the next menstrual cycle. This is because they maintained that the 'idda period of three quroo is three periods of purity. However, they are disproven by the messenger of Allaah (may Allaah send salutations upon him) who has said: (one may not have sex with a pregnant captive until she delivers, and one may not have sex with a non-pregnant captive until one menstrual cycle elapses). In addition, Ruwayfi' Bin Thaabit has narrated that the prophet (may Allaah send salutations upon him) has said: (he who believes in Allaah and the last day may not have sex with a captive before *istibraa*). Narrated by Ahmad.

Chapter

The author of *Al Jaawaahir* has said: if a slave is sold as her menstrual cycle concludes, lack of pregnancy cannot be determined during the final days. Whereas, the legal school maintains that this does not apply if she is sold at the outset of her menstrual cycle.

Those who uphold the view of Maalik say: if a menstruating slave is given to a buyer for safe keeping and is sold shortly thereafter, *istibraa* is not required if she was isolated.

According to the legal school of Maalik, *istibraa* can precede the sale of the slave in other instances as well.

The author of *Al Jawaahir* has said: *istibraa* can only precede the sale of a slave in certain instances. Namely, if she given to a buyer for safe keeping while menstruating and is sold shortly thereafter, provided she is isolated.

Ibn Al Qaasim has said: if one buys a slave from his wife or young son, *istibraa* is not required if the slave is menstruating and isolated. Whereas, Ashhab has said: if the slave and the buyer live together, *istibraa* is not required even if she moves about.

If one buys a slave upon the return of the master, *istibraa* is not required if the slave did not move about beforehand or did so while menstruating and remains as such.

If one buys his partner's share of their slave, *istibraa* is not required if she was menstruating while in his possession.

Chapter

If a slave is pregnant, *istibraa* extends until delivery according to text and consensus.

Chapter

One may not have sex with a pregnant slave until she delivers, and the prophet (may Allaah send salutations upon him) has said: (he who believes in Allaah and the last day must not water another person's harvest).

Strangely enough, some of the four legal scholars allowed one to marry a fornicatress before *istibraa*. They also allowed one to have sex with her

shortly thereafter. As a result, this woman could spend one night with a fornicator and the next night with her husband.

If one were to reflect upon the completeness of our law, he would realize that it prohibits such an act.

As for Ahmad, he forbade that a fornicatress marry before repenting, because he held that a man cannot marry an unchaste woman.

It is unlawful to have sex with a pregnant slave whether her conception is legitimate or not. In fact, the prophet (may Allaah send salutations upon him) separated a couple and flogged the wife who was pregnant. This states that the marriage contract of a woman whose conception is unlawful is void.

The prophet (may Allaah send salutations upon him) saw a woman and said: (perhaps her master wishes to have sex with her). Then he said: (I considered invoking a curse upon him which would follow him to the grave. How could he use him when he is unlawful, and how could he be a bequest when he is unlawful) ?

He considered invoking a curse upon him due to the fact that he had sex with a pregnant slave before istibraa. He asked: (how could he use him when he is unlawful) ? Namely, he could not lawfully enslave the child, because it would be partially his. Similarly, Ahmad has said: a subsequent insemination improves hearing and vision.

He asked: (how could he be a bequest when he is unlawful) ? Shaykhul Islaam Ibn Taymiyya has said: namely, how could he be a bequest when he is a part of him?

Others have said: namely, how could he be an heir when he is the son of another man? However, this interpretation is disproven by the following question: (how could he use him) ? Namely, how could he enslave him?

Chapter

One may deduce from the following statement that a pregnant woman does not menstruate: (one may not have sex with a pregnant captive until she delivers, and one may not have sex with a non-pregnant captive until one menstrual cycle elapses). As a result, a pregnant woman may perform acts of worship which require purity. However, there is a discrepancy in this regard, thus Aboo Haneefa, Ash Shaafi'ee, and Ahmad maintained that the blood of a pregnant woman is not menstrual. This was also the view of:

'Ataa

Al Hasan

'Ikrima

Makhool

Jaabir Bin Zayd

Muhammad Bin Al Munkadir

Ash Shu'ba

An Nakha'ee

Al Hakam

Hamaad

Az Zuhree

Al Awzaa'ee

Aboo 'Ubayd

Aboo Thawr

Ibn Al Mundhir

Conversely, Maalik maintained that the blood of a pregnant woman actually is menstrual, and Al Bayhaqee has mentioned this ruling in his Sunan collection. This was also the view of:

Qataada

Rabee'a

Al Layth Bin Sa'd

'Abdur Rahmaan Bin Mahdee

Ishaaq Ibn Raahawayh

Ishaaq Bin Raahawayh has said: Ahmad asked me: what do you say regarding a pregnant woman who bleeds? I replied: she prays, and I relied upon the athar of 'Aa'isha via 'Ataa. Thereafter, Ahmad said: the athar of the people of Al Madeena is more reliable, i. e. the narration of 'Aa'isha via Umm 'Alqama. As a result, I adopted the opinion of Ahmad.

As for the athar which Ahmad alluded to, Al Bayhaqee has relayed that Al Haakim, Aboo Bakr Bin Ishaaq, Ahmad Bin Ibraaheem, Ibn Bakeer, Al Layth, Bakeer Bin 'Abdillaah, and Umm 'Alqama have narrated that 'Aa'isha was questioned regarding a pregnant woman who bleeds and that she replied: she does not pray. Al Bayhaqee has said: and we have also relayed this athar via Anas Bin Maalik.

Matr and 'Ataa have narrated that 'Aa'isha has said: a pregnant woman does not menstruate. If she sees blood, she may still pray. However, Yahya Al Qattaan rejected this narration.

Muhammad Bin Raashid, Sulaymaan Bin Moosa, and 'Ataa have relayed a similar narration. However, it is likely that 'Aa'isha recanted, provided that this narration is reliable.

Opponents have asserted that the prophet (may Allaah send salutations upon him) divided slaves into two categories, i. e. pregnant and non-pregnant. As for pregnant slaves, their 'idda period extends until delivery. As for non-pregnant slaves, their 'idda period is one menstrual cycle which indicates lack of pregnancy. However, if menstruation and pregnancy coincided, the former would not be a sign.

Ruwayfi' has narrated that the prophet (may Allaah send salutations upon him) has said: (none may water another person's harvest, nor may he have sex with a slave until one menstrual cycle elapses or until pregnancy is

revealed). As a result, menstruation indicates lack of pregnancy.

Ibn 'Abbaas has said: a pregnant woman does not menstruate. Rather, her blood nourishes her child.

Al Athram and Ad Daaraqutnee have narrated that 'Aa'isha has said: a pregnant woman does not menstruate. Rather, she bathes and prays.

It is merely desirable that a pregnant woman bathe for prayer, because her blood is not menstrual. As for the narration of 'Aa'isha which states that a pregnant woman does not pray, it applies to blood which is seen as delivery approaches.

Opponents have said: all agree that a pregnant woman bleeds, especially at the onset of pregnancy. Rather, there is a discrepancy concerning the nature of her bleeding. However, all agree as well that a woman menstruates before pregnancy, so we will maintain that she does so thereafter until we are certain that she does not.

The prophet (may Allaah send salutations upon him) has said: (if it is menstrual blood, it will be black).

Vaginal bleeding has been divided into two categories, i. e. menstrual and irregular. Consequently, since the blood in question is not irregular, it is menstrual.

The prophet (may Allaah send salutations upon him) said the following to a woman who experienced irregular bleeding: (remain inactive for the duration of your menstrual cycle). As a result, this indicates that the menstrual cycle is decisive, so when a pregnant woman bleeds as usual, she is menstruating.

None was more knowledgeable than 'Aa'isha concerning this issue, and the people of Al Madeena have narrated that she has said: a pregnant woman does not pray. In fact, Ahmad declared this narration more reliable than the opposing narration, and this is why Ishaq Bin Raahawayh adopted his opinion.

One may ask: do you prohibit enjoyment other than sex during the period of istibraa?

The response: if the one who requires istibraa is below the age of sexual intercourse, she may be kissed. This was the view of Ahmad according to one narration, and it was the choice of Aboo Muhammad Al Maqdisee, our teacher, and others.

It has been narrated that our teacher has asked: how could lack of pregnancy be determined if she is a child? It has also been narrated that he has said: if she menstruates, lack of pregnancy is determined upon one menstrual cycle. Whereas, if she has reached the age of sexual intercourse but does not menstruate, lack of pregnancy is determined in three months. Aboo Muhammad has said: his statement suggests that istibraa is not obligatory and that physical contact is not unlawful.

This was view of Maalik, and it is correct, because evidence does not prove otherwise. As for an adult, physical contact is prohibited since it could lead to unlawful sexual intercourse. As for a baby's mother, it is feared that she could previously have been as such. Whereas, a child does warrant such apprehension.

Chapter

As for a girl who has reached the age of sexual intercourse, our companions have said: physical contact is unlawful. However, I disagree, because even though sexual intercourse is unlawful, physical contact is not. Furthermore, our companions have prohibited physical contact since the girl in question could be a baby's mother, and they have said: this is why it is permissible to engage in foreplay with a captive before istibraa, because loss of ownership is not expected.

The companions of Ash Shaafi'ee and Ahmad have said: enjoyment is prohibited before istibraa since the woman could be a baby's mother.

Al Hasan Al Basree has said: only the vagina is unlawful. Rather, the prophet (may Allaah send salutations upon him) forbade sexual intercourse before istibraa, though he did not forbid physical contact. In addition, it has been said that Ibn 'Umar kissed a captive whom he obtained before istibraa.

Those who uphold this view should say: when a woman observes the 'idda period, she becomes a stranger. As a result, sexual intercourse as well as foreplay are forbidden. Whereas, when a woman is owned, sexual intercourse is forbidden before istibraa to prevent the sperm of two different men from mixing. However, physical contact is not forbidden, so the woman in question is like a woman who is fasting or menstruating.

Chapter

As for captives, two views exist, and both of which have been attributed to Ahmad.

1. A captive is like other women, thus enjoyment is forbidden. Similarly, Al Kharqee has said: one who owns a slave may not kiss her before istibraa.

2. One may enjoy a captive, and this was the view of Ibn 'Umar. As for the difference between a captive and a slave, the former is unlikely to be a baby's mother, thus loss of ownership is not anticipated, and Allaah knows best.

One may ask: does istibraa begin when a slave is sold or received?

The response: two views exist, and both of which have been attributed to Ahmad.

1. Istibraa begins when the slave is sold, because ownership is obtained at that point.

2. Istibraa begins when the slave is received, because the objective is to determine lack of pregnancy. However, this cannot be achieved until the

buyer receives her, and this was the view of Ash Shaafi'ee and Ahmad. Whereas, Maalik maintained that istibraa can precede the sale of the slave in various instances as has preceded.

One may ask: if the buyer is given an option, when does istibraa begin?

The response: istibraa begins when the transaction concludes according to those who say that ownership is obtained upon the sale of the slave. Whereas, istibraa begins once the buyer no longer has an option according to those who disagree.

One may ask: what would you say if the buyer may choose provided he discovers a defect?

The response: in this case, istibraa begins when the transaction concludes, because the option which the buyer is given does not prevent the transfer of ownership, and Allaah knows best.

Chapter

Istibraa/Determining Lack Of Pregnancy And Those Who No Longer Menstruate Or Have Yet To Do So

The prophetic tradition indicates that istibraa extends until delivery when a woman is pregnant. Otherwise, it indicates that istibraa extends until the next menstrual cycle. As a result, we ask: how could the prophetic tradition remain silent concerning those who no longer menstruate or have yet to do so?

In reality, the prophetic tradition has not remained silent concerning those who no longer menstruate or have yet to do so. Rather, Allaah the glorified made the 'idda period of a free woman three quuroo, and he made the 'idda period of one who no longer menstruates or has yet to do so three months. Consequently, one should realize that the glorified has replaced these quuroo with months. As for slaves, the prophetic tradition has stated that lack of pregnancy is determined upon one menstrual cycle. As a result, a month replaces a menstrual cycle, and this was the view of Ahmad. However, a narration states that the period of istibraa is three months.

Ahmad Bin Al Qasim has said: I asked Aboo 'Abdillaah: how could you put three months in place of one menstrual cycle when Allaah has put one month in place of one menstrual cycle?

Ahmad replied: we put three months in place of one menstrual cycle, because pregnancy cannot be discovered before that time. In fact, 'Umar Bin 'Abdil 'Azeez asked: have you not heard Ibn Mas'ood say: a droplet becomes a clot in forty days, and a clot becomes flesh in forty days?

However, a narration states that lack of pregnancy is determined in 1½ months if the woman is a slave.

Since the 'idda period of a divorcee who no longer menstruates is 1½

months according to one narration, the 'idda period of a slave would indeed be 1½ months as well.

However, a narration states that lack of pregnancy is determined in two months if the woman is a slave, but the author of Al Mughnee has said: I have found no explanation.

It seems that the woman in question is comparable to a divorcee, because her 'idda period would be two months if she were divorced.

In reality, if lack of pregnancy were determined in three months, the woman in question and a free woman would be equal. Whereas, if lack of pregnancy were determined in two months, the woman in question and a divorcee would be equal. As a result, a month is the most appropriate time period, because it is an exact substitute. In addition, the legislator has given free women a substitute, and the companions have given divorced slaves a substitute. Consequently, 'Umar Bin Al Khattaab has said that the 'idda period of a divorced slave is two menstrual cycles and that it is two months if she does not menstruate. As for Ahmad, the most well known narration states that if a slave ceases to menstruate for no apparent reason, the 'idda period is ten months, nine of which are for pregnancy and one of which replaces her menstrual cycle.

However, a narration states that the woman in question observes an 'idda period of one year, and Aboo Muhammad has said the following in Al Mughnee: one month is required for istibraa, because it is a substitute for one menstrual cycle. For this reason, the amount of months differ according to amount of quroo. As a result, the 'idda period of a free woman who no longer menstruates is three months. As for a slave, the 'idda period is two months. As for a slave who requires istibraa and has ceased to menstruate for no apparent reason, the 'idda period is ten months, nine of which are for pregnancy and one of which replaces her menstrual cycle. As a result, one month must replace one menstrual cycle as it does when a woman ceases to menstruate for no apparent reason.

His Rulings Concerning Trade

Jaabir Bin 'Abdillaah has narrated that he heard the prophet (may Allaah send salutations upon him) say: (Allaah and his messenger have prohibited the sale of swine, wine, idols, and dead animals). As a result, someone asked: O messenger of Allaah, what about the fat of dead animals? It is applied to ships and skins and is used to light lamps. He replied: (no, it is unlawful). He then said: (may Allaah fight the Jews; they sold their fat although it was prohibited). Narrated by Al Bukhaaree and Muslim.

Ibn 'Abbaas has said: 'Umar was informed that Samura sold wine, so he said: may Allaah fight him, does he not know that the messenger of Allaah (may Allaah send salutations upon him) has said: (may Allaah curse the Jews; they sold fat although it was prohibited). Narrated by Al Bukhaaree

and Muslim.

Ibn 'Abbaas has said: while the prophet (may Allaah send salutations upon him) was in the masjid, i. e. al masjid al haraam, he looked toward the sky and smiled, and then he said: (may Allaah curse the Jews, may Allaah curse the Jews, may Allaah curse the Jews; they sold fat although it was prohibited. What may not be consumed may not be sold). Narrated by Al Bayhaqee.

Aboo Hurayra has relayed a similar narration in Al Bukhaaree and Muslim without the following statement: (what may not be consumed may not be sold).

These comprehensive words prohibit the following entities:

drinks which impair the mind

foods which cause moral decay

items which are sacreligious

As a result, this prohibition protects the mind, heart, and faith of an individual.

Not only is the sale of wine prohibited, but the sale of all intoxicants is prohibited. In fact, the prophet (may Allaah send salutations upon him) has said: (all intoxicants are wine).

As for his companions who were most knowledgeable regarding the intent of his speech, they have said: wine is what obscures the mind.

When one excludes an intoxicant from the definition of wine, he excludes what the prophet (may Allaah send salutations upon him) has included. In fact, when one does not refer to an intoxicant as the legislator has, he in fact alters its legal status. Since the prophet (may Allaah send salutations upon him) knew that this tribulation would befall his nation, he said: (members of my nation shall drink wine, and they will give it a new name).

Chapter

The Sale Of Dead Animals Is Unlawful

The sale of dead animals is unlawful whether the animal dies a natural death or is slaughtered illegitimately. In fact, what is derived from such an animal is unlawful as well. For this reason, the companions could not understand why the sale of fat was prohibited since it was useful. As a result, the prophet (may Allaah send salutations upon him) informed them that fat is unlawful nevertheless. However, there is a discrepancy due to various interpretations. Namely, does his statement: (no, it is unlawful) refer to trade or specific practices? Our teacher has said: his statement refers to trade, because the companions said: their fat is useful for the following purposes, i. e. could their fat be sold? Consequently, the prophet (may Allaah send salutations upon him) said: (no, it is unlawful).

Conversely, the companions of Ahmad have said: his statement refers to specific practices, because when he said: (no, it is unlawful) , he did not use the feminine pronoun.

Their interpretation is plausible since the pronoun refers to the nearest of what was mentioned. In addition, had the practices in question been sanctioned, the fat of dead animals would be bought and sold as a result. Furthermore, it has also been narrated that the prophet (may Allaah send salutations upon him) said: (no, it is unlawful) using the feminine pronoun which refers to the fat of dead animals or the practices in question. Whatever the case may be, his statement proves that the latter is unlawful. Lastly, Aboo Hurayra has narrated that the prophet (may Allaah send salutations upon him) said the following concerning a rat who fell into butter: (if it is solid, discard the rat and the surrounding butter. Otherwise, avoid the butter altogether).

Those who prefer the first interpretation say: the prophet (may Allaah send salutations upon him) has said: (rather, it is unlawful to eat a dead animal). This states that it is not unlawful to utilize dead animals for other purposes.

If one were to reflect upon the narration of Jaabir, he would realize that the question was trade related and that the companions sought permission to sell the fat of dead animals since it was useful. As a result, the prophet (may Allaah send salutations upon him) said: (no, it is unlawful). However, had they inquired about specific practices, they would not have made a statement. Rather, they would have asked a question. Furthermore, they did not mention the benefits of dead animal fat once the practices in question were prohibited, but rather they did so once the sale of dead animal fat was prohibited. Consequently, it seems that they sought a concession.

The prophet (may Allaah send salutations upon him) forbade that people draw water from the wells of Thamood. However, he allowed them to prepare dough with it in order to feed their animals.

Everyone knows that there is no harm in utilizing an impure substance, and when a beneficial substance is harmless, it is not prohibited.

According to one narration, Ahmad allowed the use of dead animal fat as lamp oil when mixed with a pure substance. However, most narrations state that he allowed the use of contaminated oil, and this view of Aboo Muhammad and other companions of his.

Saalih and 'Abdullaah have narrated that Ahmad has said: I do not like the sale of impure substances, though an impure substance may be used as lamp oil if it is not touched.

Since this narration includes an impure substance in and of itself and a contaminated substance, it would state that contaminated lamp oil is lawful, provided Ahmad intended the latter. In fact, there is no difference between

impure lamp oil in and of itself and contaminated lamp oil.

One may say: this narration includes an impure substance in and of itself and a contaminated substance. As for the latter, it can be washed. This is why Ahmad once said that contaminated oil could be sold as opposed to the oil of a dead animal.

The response: this assertion is implausible for two reasons:

1. Ahmad was not known to have said anything regarding the washing of contaminated oil. Rather, some who attribute themselves to him rule as such.

2. The companions of Ahmad differentiate between some oils since not all of which can be washed. Whereas, Ahmad himself has made no distinction.

Although the sale of dead animal fat is prohibited, it may be utilized for lawful purposes. As a result, Maalik has stated that lamps may be lit with impure oil outside of the masjid. He has also stated that impure oil may be used to create soap. Overall, it should be known that although an item may not be sold, it may still be utilized.

Chapter

Since the hair, wool, and coat of an animal do not contain life, they remain lawful when the animal is dead, provided it was pure. This was the view of Aboo Haneefa, Maalik, and Ahmad as well as:

Al Layth

Al Awzaa'ee

Ath Thawree

Daawud

Ibn Al Mundhir

Al Muzanee

As for the taabi'oon, this view was maintained by:

Al Hasan

Ibn Seereen

the companions of Ibn Mas'ood

However, Ash Shaafi'ee alone maintained that the hair, wool, and coat of an animal are impure. He asserted that the word dead comprises the hair, wool, and coat of an animal as it comprises other parts, and he relied upon evidence and analysis. As for his evidence, Ibn 'Adee has relayed in Al Kaamil that Ibn 'Umar has narrated the following statement: (bury the hair, nails, and blood, because they are dead). As for analysis, the hair, wool, and coat of an animal grow as the animal grows, hence they become impure like other parts once it dies. In addition, they emerge from unlawful flesh like the hairs of a pig.

The prophet (may Allaah send salutations upon him) said: (you should

have utilized the hide). However, had the hair been pure, it would have been more appropriate for him to say: you should have utilized the hair. Namely, because it was easier to obtain.

Opponents have said: Allaah the most high has said: **{and from their hair, wool, and coats he has given you items which you will utilize until a certain time}** [An Nahl/80].

﴿وَمِنْ أَصْوَافِهَا وَأَوْبَارِهَا وَأَشْعَارِهَا أَثْنَا وَمِئْتَةً إِلَى حِينٍ﴾ [النحل: 80]

And this comprises animals which are alive and dead.

'Abdur Razzaaq, Ma'mar, Az Zuhree, and 'Ubaydullaah Bin 'Abdillaah Bin 'Utba have narrated that Ibn 'Abbaas has said: the prophet (may Allaah send salutations upon him) said: (you should have utilized the hide). As a result, others asked: how could we do so when the animal is dead? He replied: (rather, the flesh is unlawful).

When someone touches the hair, wool, or coat of an animal, it feels nothing. This proves that these entities do not contain life. Consequently, the fact that they grow does not prove otherwise, and it cannot be said that their place of origin becomes impure upon death. Similarly, crops perish, but their source remains pure.

The hair, wool, and coat of an animal are not susceptible to the factors which render flesh impure.

The prophet (may Allaah send salutations upon him) said: (you should have utilized the hide) , now we will provide a threefold response regarding the hair of the animal:

1. The prophet (may Allaah send salutations upon him) did not specify how the hide could be utilized nor did he enjoin that the hair be removed.
2. The prophet (may Allaah send salutations upon him) encouraged the use of this hair when he said: (rather, the flesh of a dead animal is unlawful).
3. This hair was not dead like the animal.

Chapter

One may ask: is the sale of bones, horns, and skins also prohibited?

The response: whatever may not be used or consumed may not be sold, and the prophet (may Allaah send salutations upon him) has said: (what Allaah the most high prohibits may not be sold). Consequently, one may deduce that what may not be sold may not be consumed.

When skins are purified, they may be utilized in different ways, so they may also be sold. However, Ash Shaafi'ee stated initially that they may not be sold, though his companions differed. As a result, some of them have said: even purified skins may not be sold, because they are part of a dead animal. Conversely, other companions of his have said: rather, skins may be sold once they are purified, because they are utilized thereafter.

Some companions of his have said: rather, if the cleansing process is one of transformation, purified skins may be sold, because they would no longer be part of a dead animal. However, if the cleansing process is one of removal, purified skins may not be sold, because they would remain part of a dead animal.

In light of this discrepancy, the companions of Ash Shaafi'ee have adopted the following views regarding the consumption of purified skins:

1. Purified skins may be consumed.

2. Purified skins may not be consumed.

3. A distinction is made between the skins of animals which are consumed and the skins of animals which are not consumed.

Those who have adopted the first view consider the cleansing process one of transformation.

Those who have adopted the second view consider the cleansing process one of removal.

Those who have adopted the third view maintain that what may be consumed if slaughtered may be consumed if cleansed.

As for those who say that purified skins may be consumed, they are at variance with explicit prophetic traditions. For this reason, they could not adopt this view before denying that skins are dead after cleansing. However, they are dead in every sense of the word.

As for those who say that the cleansing process is one of transformation, they are mistaken, because skins do not change when cleansed, unlike wood which turns to ashes when burned.

As for the companions of Maalik, it has been mentioned in the Mudawwana of Ibn Al Qasim that even purified skins may not be sold, and this ruling was mentioned by the author of At Tahdheeb.

As for Maalik himself, two statements have been narrated concerning the cleansing of skins:

1. Cleansing purifies skins completely.

The companions of Maalik allowed the sale of purified skins due to this narration.

2. Cleansing purifies skins to a certain extent.

This narration is more well known, and the companions of Maalik have said: purified skins may not be sold or used during prayer according to this narration.

As for Ahmad, he maintained that skins may not be sold until they are cleansed. However, there are two narrations concerning the sale of skins thereafter. In my opinion, they result from conflicting narrations regarding their purity.

As for the sale of impure oil, the legal school of Ahmad maintains three views:

1. Impure oil may not be sold.
2. Impure oil may be sold to a disbeliever if he knows that it is impure.

Rather, the buyer should know the cause of impurity, though he must not believe that the oil is impure.

3. Impure oil may be sold to believers and disbelievers alike.

Since impure oil may be lit and becomes pure when washed, it has been said that it may be sold to believers and disbelievers alike.

Some of the companions of Ahmad who maintain that impure oil may sold as fuel have said that impure fertilizer may be sold for the same purpose, and their reasoning is sound.

As for the companions of Aboo Haneefa, they have allowed the sale of impure fertilizer which is adulterated.

Chapter

As for the bones of a dead animal, Aboo Haneefa and some of the companions of Ahmad maintained that they are pure. Consequently, they allowed their sale.

The companions of Aboo Haneefa have said: these bone are not dead like the animal.

Bones and flesh are incomparable since the former is not susceptible to the factors which render the latter impure. Similarly, an animal which does not contain liquefied blood does not become impure upon death, hence this rule applies even moreso to bones. As a result, they may be sold if the animal is pure.

Conversely, Ibn Al Qaasim has said: Maalik has said: I do not believe that the bones of dead animals may be traded or utilized, nor do I believe that elephant tusks may be traded or utilized.

Maalik disliked that one cook with the bones of dead animals while Mutrif anf Al Maajishoon allowed the unrestricted sale of elephant tusks. Whereas, Ibn Wahb and Asbagh allowed the sale of boiled elephants tusks.

Chapter

The Sale Of Swine Is Unlawful

The sale of swine is unlawful, and this prohibition encompasses the entire animal. Consider how the flesh was mentioned in terms of prohibition. Namely, since it is predominant, one may deduce that the consumption of pork is forbidden. Conversely, when Allaah mentioned hunting, he did not say: the consumption of game is unlawful. Rather, he forbade hunting itself to indicate that both the former and latter are prohibited.

Chapter

The Sale Of Idols Is Unlawful

The sale of idols is unlawful, because items which symbolize polytheism are forbidden. As a result, books which contain polytheism are forbidden as well.

Chapter

When the prophet (may Allaah send salutations upon him) said: (what Allaah prohibits may not be sold) , he intended two entities:

1. He intended an unlawful entity which may not be utilized, i. e. wine, blood, swine, dead animals, and polytheistic items.
2. He intended an entity which could be utilized but not consumed, i. e. the cleansed skins of dead animals, domesticated asses, and mules etc.

Most legal scholars have said: if grapes are sold to a wine producer, the return is forbidden. This also applies if a weapon is used to fight a Muslim, or if a silk garment is worn by a male. Conversely, the return of these commodities is lawful if they are utilized for lawful purposes.

One may ask: you have allowed the sale of contaminated oil to a disbeliever who is aware that it is impure, because he would not consider it as such. Consequently, would you allow the sale of wine or swine to a disbeliever upon the same premise?

The response: the return of such a sale is forbidden. As for contaminated oil, it is a pure substance which is mixed with an impure substance, and some scholars have said that it does not become impure unless it changes. However, other scholars have said that it can be washed thereafter unlike entities which have always been forbidden, i. e. swine, blood, and dead animals.

One may say: since the people of the book consider wine lawful, it may be sold to them.

The response: 'Umar Bin Al Khattaab wrote to his delegates instructing them not to sell wine to the people of the book. Rather, he commanded them to entrust the people of the book themselves with this task, and he ordered them to obtain taxes from the return.

Abou 'Ubayd has said: 'Abdur Rahmaan, Sufyaan Bin Sa'eed, Ibraaheem Bin 'Abdil A'ala, and Suwayd Bin Ghafla have narrated that Bilaal said to 'Umar: your delegates receive wine and swine as a tax, so he said to them: do not take wine and swine. Instead, entrust the people of the book with their sale and take a portion of the return.

The Ruling Of The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Concerning The Sale Of Cats And Dogs

Abou Mas'ood has narrated that the messenger of Allaah (may Allaah

send salutations upon him) forbade the sale of dogs, the dowry of unchaste women, and the recompense of a diviner. Narrated by Al Bukhaaree and Muslim.

Aboo Az Zubayr has said: I questioned Jaabir concerning the sale of cats and dogs and he replied: the prophet (may Allaah send salutations upon him) forbade this. Narrated by Muslim.

It has been relayed in Sunan Abee Daawud that he narrated that the prophet (may Allaah send salutations upon him) forbade the sale of cats and dogs.

Raafi' Bin Khadeej has narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (the most evil return is the dowry of an unchaste woman, the sale of a dog, and the wages of a cupper). Narrated by Muslim.

Rulings

Dogs may not be sold regardless of their age or purpose, but the companions of Aboo Haneefa and Maalik differed.

Some permit the sale of a dog when the benefits are entirely lawful. However, the benefits of a dog, i. e. hunting and security are lawful by consensus, but the majority opinion states that dogs may not be sold.

When some find that the benefits of a dog are assorted, they ask if the objective is lawful or prohibited. However, a hunting dog is utilized for one purpose only.

When some find only one benefit which is unlawful, they do not allow the sale of the dog if it is sought for that purpose. However, a hunting dog is not sought for an unlawful purpose, though even if it were, it would be no different than any other commodity whose sale is legitimate.

One may say: the prohibition of the messenger of Allaah (may Allaah send salutations upon him) does not include hunting dogs, because Jaabir has narrated that he excluded them.

Ibraaheem Bin Al Hasan Al Maseesee, Hajjaaj Bin Muhammad, Hamaad Ibn Salama, Aboo Az Zubayr, and Jaabir have narrated that the messenger of Allaah (may Allaah send salutations upon him) forbade the sale of cats and dogs, but not hunting dogs. Narrated by An Nasaa'ee.

Qaasim Bin Asbagh has said: Muhammad Bin Ismaa'eel, Ibn Abee Maryam, Yahya Bin Ayyoob, Al Muthna Bin As Sabaah, 'Ataa Bin Abee Rabaah, and Aboo Hurayra have narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (the sale of a dog is despised unless it hunts).

Ibn Wahb has said: Ibn Shihaab and Aboo Bakr have narrated that the messenger of Allaah (may Allaah send salutations upon him) has said: (three things are despised: the recompense of a diviner, the dowry of an

unchaste woman, and the sale of an infertile dog).

Ibn Wahb has said: Ash Shamr Bin 'Abdillaah Bin Dameera, his father, his grandfather, and 'Alee Bin Abee Taalib have narrated that the prophet (may Allaah send salutations upon him) forbade the sale of an infertile dog.

Although Jaabir has narrated that the prophet (may Allaah send salutations upon him) forbade the sale of dogs, he himself allowed the sale of hunting dogs, and the statement of a companion can specify a general prophetic tradition according to those who consider it conclusive.

In addition:

One may utilize a hunting dog.

A hunting dog may be given as a gift or an inheritance.

A hunting dog may be lent or hired according to some scholars. As a result, it may be sold like a donkey or a mule.

As for the narration of Jaabir in which hunting dogs are excluded, Ad Daaraqutnee has said: the truth of the matter is that it has not exceeded Jaabir, and At Tirmidhee has said: this isnaad of this narration is unreliable.

As for the narration of Aboo Hurayra, Al Bayhaqee has said: various companions such as Ibn 'Abbaas, Jaabir Bin 'Abdillaah, Aboo Hurayra, Raafi' Bin Khadeej, and Aboo Juhayfa have narrated that the prophet (may Allaah send salutations upon him) forbade the sale of dogs. Whereas, the narration which states that hunting dogs are excluded is unreliable. It seems that the aforementioned companions intended to relay the narration which states that dogs may not be obtained, and Allaah knows best.

As for the narration of Hamaad Bin Salama and Aboo Az Zubayr, Ahmad declared it unreliable due to Al Hasan Bin Abee Ja'far. In addition, Ibn Hazm has said that Aboo Az Zubayr did not state that he heard it from Jaabir, and Al Bayhaqee has said that a narrator thought that hunting dogs were excluded in terms of sale when they were excluded in terms of acquisition.

As for the narration of Al Muthna Bin As Sabaah, 'Ataa, and Aboo Hurayra, it is unreliable (baatil) , because the isnaad contains Yahya Bin Ayyoob whom Maalik declared a liar. In addition, Al Muthna Bin As Sabaah was declared weak.

As for the athar which has been relayed via Aboo Bakr As Siddeeq, the narrator between Ibn Wahb and Ibn Shihaab is unknown, and the narrator between Ibn Shihaab and Aboo Bakr As Siddeeq is also unknown. Consequently, this athar cannot be utilized.

As for the athar which has been relayed via 'Alee Bin Abee Taalib, the isnaad contains Ibn Dameera who is weak.

The narrations of trustworthy scholars are certainly more preferable. In fact, all conflicting narrations are unreliable, and Jaabir, Aboo Hurayra, and Ibn 'Abbaas have said that the sale of dogs is unlawful.

Some say that dogs, mules, and donkeys are akin, but this is a poor comparison. Rather, dogs should be compared to swine, because there is a greater resemblance between the two. In addition, when one analogy conflicts with another, the comparison which agrees with text is preferred.

One may say: the sale of dogs was unlawful when people were obliged to kill them. However, once they were forbidden to do so, the possession of certain dogs became permissible. As a result, their sale became permissible as well.

The response: this is an erroneous claim. Rather, the narrations which prohibit the sale of dogs are unrestricted. Whereas, the narrations which prohibit their acquisition and enjoin their slaying are of two types: preceding and unrestricted and subsequent and restricted. As a result, if the aforementioned prohibition were restricted, corresponding narrations would be restricted as well. However, since they are not, it becomes clear that unrestricted narrations are sought, hence they cannot be negated, and Allaah knows best.

Chapter

The Sale Of Cats Is Unlawful

The sale of cats is unlawful, and Jaabir narrated this prohibition and ruled accordingly.

Qaasim Bin Asbagh, Muhammad Bin Waddaah, Muhammad Bin Aadam, 'Abdullaah Bin Al Mubaarak, Hamaad Bin Salama, and Aboo Az Zubayr have narrated that Jaabir disliked the sale of cats and dogs.

Aboo Muhammad has said: Jaabir ruled in accordance with the prohibition which he narrated, and he is not known to have been challenged. This was also the view of:

Aboo Hurayra

Taawoos

Mujaahid

Jaabir Bin Zayd

the Dhaahiree legal school

Ahmad

Aboo Bakr 'Abdul 'Azeez

Since the narration of Jaabir is reliable and unchallenged, it must be upheld.

Al Bayhaqee has said: some scholars have said: cats were initially declared impure. However, once the prophet (may Allaah send salutations upon him) said: (cats are not impure) , their sale was no longer unlawful. However, other scholars have said: this prohibition applies to undomesticated cats. In any event, the outward meaning of the prophetic tradition is preferred. As for Ash Shafi'ee, he would have upheld this

narration if he had only heard it.

Some scholars say: this prohibition applies to cats which are not owned. However, this is another weak interpretation.

Chapter

The Dowry Of An Unchaste Woman

The dowry of an unchaste woman is the recompense of a fornicateress.

Legal scholars agree that there is no dowry for a woman who is free and sane if she commits fornication. However, they differ concerning a free woman who is forced to commit fornication and a slave who does so willingly.

There are four views concerning a free woman who is forced to commit fornication, and they have been attributed to Ahmad:

1. A free woman who is forced to commit fornication deserves a dowry even if she is a non-virgin who is sodomized.

2. A free woman who is forced to commit fornication deserves a dowry only if she is a virgin.

3. A free woman who is forced to commit fornication deserves a dowry only if she is foreign.

4. A free woman who is forced to commit fornication deserves a dowry if her daughter is lawful.

Abou Haneefa has said: there is no dowry for a free woman who is forced to commit fornication.

Those who enforced the dowry have said: rather, a free woman who commits fornication does not deserve a dowry if she does so willingly. Similarly, if she welcomed loss of limb, she would not deserve anything either.

Those who opposed the dowry have said: a free woman who commits fornication does not deserve a dowry, because marriage and fornication are utterly incomparable. Rather, the legislator has prescribed punishment as the recompense of such an act.

Text does not suggest that a free woman who willingly commits fornication deserves a dowry. The most one could say is that fornication and marriage are akin, but they are utterly incomparable in actuality.

The dowry is a specific feature of marriage, thus it is not mentioned in connection with fornication. Rather, the prophet (may Allaah send salutations upon him) spoke of the dowry unrestrictedly while referring to the marriage contract.

Those who enforced the dowry have said: as for a free woman who willingly commits fornication, the legislator has denied her the right to receive a dowry. As for a free woman who is forced to commit fornication, she is not unchaste. As a result, she cannot be denied the right to receive a dowry.

As for those who differentiated between a virgin and a non-virgin, they

did not feel that the latter suffers a loss. Consequently, they have said: a free woman who willingly commits fornication does not deserve a dowry like a free woman who loses her virginity.

As for those who differentiated between a foreign and unlawful woman, they asserted that the latter is permanently forbidden. As a result, they have said: since one cannot legally have sex with such a woman, she does not deserve a dowry.

As for those who differentiated between a free woman whose daughter is unlawful and one whose daughter is not, they asserted that the latter is prohibited to a lesser extent than the former.

One may ask: what is the legal status of a free woman who is sodomized against her will and a slave who is willingly sodomized?

The response: a free woman who is sodomized against her will and a slave who is willingly sodomized do not deserve a dowry, because sodomy is an act of homosexuality.

Aboo Al Barakaat Ibn Taymiyya and Aboo Muhammad Ibn Qudaama differed in this regard. As a result, Aboo Al Barakaat Ibn Taymiyya has said: a woman deserves a customary dowry if her marriage has possibly been consummated or if she was forced to commit fornication, even if she was sodomized.

Aboo Muhammad Ibn Qudaama has said: sodomy does not warrant a dowry, because a recompense has not been legislated and no loss is incurred. Consequently, sodomy is like a kiss.

Aboo Muhammad Ibn Qudaama is absolutely correct, because sodomy is valueless, thus a dowry is unwarranted. Furthermore, sodomy and vaginal sex are utterly incomparable. In fact, one who disagrees must say that homosexuality warrants a dowry, but this view is unprecedented.

Chapter

The Consenting Slave

Ash Shaafi'ee and most of the companions of Ahmad have said that a consenting slave deserves a dowry since she has provided enjoyment. However, the truth of the matter is that she does not, because she is the unchaste woman whom the prophet (may Allaah send salutations upon him) spoke of when he mentioned the sale of a dog and the recompense of a diviner.

One cannot cite the cupper as an example, because the service which he provides is lawful. In fact, one must pay his fee if asked to do so. As a result, the consenting slave and the cupper are not akin.

It is not known that a judge has ever imposed a dowry upon a man who committed fornication, and the believers would consider such a decision revolting. Consequently, it is revolting to Allaah the magnificent.

Chapter

The Recompense Of A Fornicatress Who Has Repented

One may ask: what do you say concerning the recompense of a fornicatress who has repented?

The response: there is a major principle which states that if one receives an unlawful recompense which he wishes to relinquish, he may do so if he has not reciprocated or if the giver is unsatisfied. However, if the recompense cannot be returned, it may become a debt. Otherwise, it may be given to the heirs of the one who has provided compensation, or it may be given in charity. As a result, on the day of resurrection, the one who has provided compensation may accept a reward, or he may take a commensurate amount of good deeds from the recipient, and the one who gave the aforementioned charity will be rewarded as well.

Chapter

Since the recompense of a diviner is unlawful, one may infer that the recompense of anyone who makes predictions is unlawful as well.

The prophet (may Allaah send salutations upon him) forbade that one approach a diviner, and he has informed us that whoever believes one is an infidel. In reality, faith and the predictions of a diviner cannot co-exist. Even though a diviner is sometimes truthful, he is occasionally given accurate reports simply to misguide others.

Most people believe in diviners, especially those who are ignorant and unaware of the realities of faith. In fact, many think well of diviners even if they are blatant polytheists.

The companions said to the prophet (may Allaah send salutations upon him) : their predictions are sometimes accurate, so he informed them that Satanic beings bring them a truthful statement, whereas they themselves lie one hundred times.

As for those who narrate future events, they rely upon the following sources:

- the predictions of diviners
- narrations taken from books which were read by Jews and Christians
- narratives of the prophet (may Allaah send salutations upon him)
- narratives of the companions and those after them who were endowed with kashf.
- dreams
- heavenly signs which are symbolic of earthly occurrences

Allaah the glorified has created nothing unintentionally. In fact, he has connected the heavenly world to the earthly world and has made the former affect the latter, but not vice versa. Consequently, the sun and moon do not eclipse upon the birth or death of anyone. Rather, they eclipse due to an earthly evil. For this reason, the glorified has legislated acts of worship which act as a combatant.

Chapter

The Wages Of A Cupper

The wages of a cupper are foul. In fact, the wages of anyone who withdraws blood is foul with the exception of a physician.

Since the prophet (may Allaah send salutations upon him) was cupped and paid the fee, legal scholars have been led to believe that the wages of a cupper are no longer unlawful. As a result, At Tahaawee has said: the prophet (may Allaah send salutations upon him) has said: (the wages of a cupper are foul) , but he paid his fee thereafter.

Although the prophet (may Allaah send salutations upon him) was cupped and paid the fee, he has also said: (the wages of a cupper are foul). However, he did not say that it is foul to pay his fee, because doing so is either permissible, desirable, or obligatory. Rather, it is foul to receive wages for cupping, but this does not mean that cupping is unlawful. Similarly, the prophet (may Allaah send salutations upon him) said that onions and garlic are foul, but they are not unlawful. However, the fact that the prophet (may Allaah send salutations upon him) was cupped and paid the fee does not mean that the wages of a cupper are permissible.

In summary, the wages of a cupper are foul like onions and garlic.

One may ask: what is the finest livelihood?

The response: three views have been adopted in this regard:

1. The finest livelihood is trade.
2. The finest livelihood is manual labor with the exception of lowly trades such as cupping.
3. The finest livelihood is agriculture.

Although all of these views are plausible, the finest livelihood is the livelihood which sustained the messenger of Allaah (may Allaah send salutations upon him) , i. e. jihaad. In fact, this livelihood has received more praise in the Qur'aan than any other livelihood. For this reason, the prophet (may Allaah send salutations upon him) was chosen for jihaad, and he has said: (I have been sent with the sword as the final hour approaches. I have been sent so that only Allaah may be worshipped and my sustenance has been placed beneath my spear, and those who oppose me are disgraced). Since this sustenance is obtained by overpowering the enemy, no livelihood is finer than jihaad, and Allaah knows best.

Chapter

The Lineage Of An Animal May Not Be Sold

Ibn 'Umar has narrated that the prophet (may Allaah send salutations upon him) prohibited the lineage of an animal. Narrated by Al Bukhaaree.

Jaabir has narrated that the prophet (may Allaah send salutations upon him) prohibited the sale of an animal's lineage. Narrated by Muslim.

The second athar explains the first athar.

When a fee is paid for the lineage of an animal, the transaction is considered a sale, either because the sperm of the animal is sought, or either because it is hired for insemination. Whatever the case may be, the contract is null since the transaction is prohibited.

As for Maalik, it has been narrated that he permitted this transaction. Whereas, his companions have differed to some extent, hence the author of Al Jawaahir has said: the prohibition in question applies to the hiring of an animal for insemination. In this case, the contract is null. However, such an animal may be hired to mate a certain number of times.

The truth of the matter is that this transaction is prohibited without exception, hence the contract is null under all circumstances. However, it is not unlawful to pay a fee for the lineage of an animal since it is legal and necessary. Rather, it is unlawful to receive payment for such a transaction, and cupping is akin.

The prophet (may Allaah send salutations upon him) outlawed the practice of hiring animals for insemination, and he declared this the sale of their lineage. As a result, his speech cannot be re-interpreted. Furthermore, an animal is not hired to mate, but rather to re-produce.

Since the purchase of sperm is a repulsive transaction, the lineage of an animal may not be sold. Furthermore, sperm is valueless. As a result, offspring belongs to the owner of the female animal.

Since sperm is valueless, it may not be sold. As a result, people obtain it for free which is beneficial since it serves a vital purpose. In addition, no loss is incurred in the process.

Water Which Is Shared May Not Be Sold

Jaabir has said: the messenger of Allaah (may Allaah send salutations upon him) forbade the sale of excess water. Narrated by Muslim.

Jaabir has said: the messenger of Allaah (may Allaah send salutations upon him) forbade the sale of an animal's lineage and land and water. Narrated by Muslim.

'Amr Bin Shu'ayb, his father, and his grandfather have narrated that the prophet (may Allaah send salutations upon him) has said: (he who withholds excess water and pasture will be deprived of the excess of Allaah on the day of resurrection). Narrated by Ahmad.

Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (three things may not be withheld: water, pasture, and fire). Narrated by Ibn Maaja.

Ibn 'Abbaas has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (the believers share three things: water, pasture, and fire, and their sale is unlawful). Narrated by Ibn Maaja

Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) has said: (there are three people whom Allaah the

magnificent will not look at on the day of resurrection nor will he purify them, and their punishment will be painful. They are: a man who denies travelers excess water, a man who pledges allegiance to his imaam for wordly gain, and a merchant whose oath is accepted). He then recited the following verse: **{those who make a small purchase with their oaths and agreements}** [Aalu 'Imraan/77].

﴿إِنَّ الَّذِينَ يَشْتَرُونَ بِعَهْدِ اللَّهِ وَأَيْمَانِهِمْ ثَمَنًا قَلِيلًا أُولَٰئِكَ لَا خَلْقَ لَهُمْ فِي الْآخِرَةِ وَلَا يُكَلِّمُهُمُ اللَّهُ وَلَا

يَنْظُرُ إِلَيْهِمْ يَوْمَ الْقِيَامَةِ وَلَا يُزَكِّيهِمْ وَلَهُمْ عَذَابٌ أَلِيمٌ ﴿٧٧﴾ [آل عمران: 77]

It has been narrated in Sunan Abee Daawud that Buhaysa has said: my father sought the permission of the prophet (may Allaah send salutations upon him) , and then he asked: O prophet of Allaah, what may not be withheld? He replied: (water). He asked: O prophet of Allaah, what may not be withheld? He replied: (salt). He asked: O prophet of Allaah, what may not be withheld? He replied: (it is best that you do good). Narrated by Aboo Daawud.

Allaah created water for man and beast, so it cannot be monopolized.

'Umar Bin Al Khattaab has said: a traveler is most entitled to water.

Aboo Hurayra has said: the traveler drinks first.

The aforementioned prophetic traditions do not include what one intends to sell, and the prophet (may Allaah send salutations upon him) has said: (it is better to sell firewood so that Allaah may protect you than to ask and not receive). Narrated by Al Bukhaaree.

Rainwater which accumulates upon lawful land may not be sold or withheld if it is shared.

One may ask: if one amassed water in a pit or dug a well upon his land, could he sell the water?

The response: he would certainly be most entitled to it, and when one has more water than required, he is not obliged to give as Ahmad has said. Rather, it is one who withholds excess water who is liable.

Chapter

When one has more water than required, he must give if someone else is in need. However, must he provide the necessary supplies for free, or may he request a fee? Two views have been adopted by the companions of Ahmad, though it appears that one must provide the necessary supplies for free since they are commonly borrowed items.

Ahmad has said: rather, this applies in the desert and on land. Namely, if there is water inside a structure, it may not be approached without permission.

Must one give excess water to someone whose crops are in need? Two views have been attributed to Ahmad.

1. One must not give water to someone whose crops are in need since they are not inviolable, and this was the view of Ash Shaafi'ee.

2. One must give water to someone whose crops are in need, and Ahmad relied upon the aforementioned prophetic traditions.

One may ask: if a well or spring were located within ones home or upon ones land, would they belong to that person?

The response: the well or the spring itself would belong to that person. As for the water, two views have been attributed to Ahmad and both of which were held by the companions of Ash Shaafi'ee.

1. The water is not owned, because it flows beneath the earth.

2. The water is owned, and Ahmad has said that it is permissible for two men to share produce when one owns water and the other owns land.

The apparent view of Ahmad is that the water is not owned, and he has said: I dislike the sale of water.

Al Athram has said: I heard someone ask Aboo 'Abdillaah the following question: some people share a river, so may one party receive a rental fee? He replied: I do not know, but the prophet (may Allaah send salutations him) has forbade the sale of water. Someone said: the water is not sold, rather it is rented. He asked: if this transaction is not a sale, then what is it? !

Chapter

Flowing Water

As for bodies of water which are large and flowing, they cannot be owned at all.

Aboo Muhammad has said the following in Al Mughnee: as for a small pond which does not overflow, it can indeed be owned.

This is questionable in terms of the legal school and legal evidence. As for the legal school, Ahmad has said: rather, excess well water may not be sold when it is contained, and it is a well known fact that well water remains as such. As a result, well water and pond water are akin.

As for legal evidence, prophetic traditions have preceded. In addition, the messenger of Allaah (may Allaah send salutations upon him) has said: (and a man who denies a traveler excess water). However, he did not differentiate between excess water which is contained and excess water which is found upon lawful land.

He has said: (people share three things) , though he did not stipulate that they be found in a public area.

When he was asked: what may not be withheld? He replied: (water) , though he did not stipulate that it be found upon lawful land.

The Messenger Of Allaah (May Allaah Send Salutations Upon Him) Forbade That One Sell What He Does Not Have

Hakeem Bin Hizaam has said: I said: O messenger of Allaah, a man

comes to buy what I do not have, so I sell it and then I buy it. As a result, he said: (do not sell what you do not have). Narrated by At Tirmidhee who has said: an authentic (hasan) prophetic tradition.

If a merchant sells an item which he does not have and then goes to purchase it, he may or may not obtain it. As a result, this transaction is a gamble, thus it is prohibited.

Some have been led to believe that the item in question may not be sold because it does not exist, and it has been relayed that the prophet (may Allaah send salutations upon him) forbade such a sale. However, this narration is baseless and unknown. It is apparently the gist of the aforementioned prophetic tradition, but the meaning differs.

Even if the narration of Hakeem Bin Hizaam did refer to the sale of an item which does not exist, it would be specific. Namely, it would refer to an entity such as the offspring of an embryo.

Different views have been adopted regarding the sale of an item which is unavailable. As a result, Ash Shaafi'ee allowed the sale of such an item without restriction. Whereas, Aboo Haneefa and Ahmad allowed the sale of an unavailable item which is specified, and it appears that both views are plausible.

One could have said to Ash Shaafi'ee what he himself said to others, namely: if an item which is unavailable and unrestricted could be sold if it were expected, then such an item could definitely be sold if it were specified. In fact, the customer could be given an option as Aboo Haneefa and Ahmad have said.

The Pebble Sale, Gharar, Mulaamasa, And Munaabadha

Aboo Hurayra has said: the messenger of Allaah (may Allaah send salutations upon him) forbade the pebble sale and gharar. Narrated by Muslim.

Aboo Hurayra has narrated that the messenger of Allaah (may Allaah send salutations upon him) forbade mulaamasa and munaabadha. Narrated by Al Bukhaaree and Muslim.

Muslim has added the following: mulaamasa is when two men feel each others fabric without examining the product, and munaabadha is when two men throw their fabric at each other without looking at the product.

Aboo Sa'eed has said: the messenger of Allaah (may Allaah send salutations upon him) forbade mulaamasa and munaabadha. In terms of trade, mulaamasa is where a man touches fabric without examining the product, and munaabadha is where two men throw fabric at each other without looking at the product. Narrated by Al Bukhaaree and Muslim.

The pebble sale has been explained as follows:

The pebble sale is where the merchant says: throw this pebble, and whatever fabric it lands upon you may buy for one dirham.

The pebble sale is where the distance of a pebble's throw determines the

land mass which is sold.

The pebble sale is where one says the following grasping a fist full of pebbles: the amount of pebbles which I grasp is the amount of items I will buy.

The pebble sale is where an item is sold and one says the following grasping a fist full of pebbles: I will receive a dirham for every pebble I grasp.

The pebble sale is where one holds pebbles while saying the following: once the pebbles fall, the sale is binding.

The pebble sale is where one says the following: once I throw the pebbles at you, the sale is binding.

The pebble sale is where one says the following amongst a herd of sheep: whichever sheep you hit you may buy for such and such price.

All of these transactions are invalid since the return is wrongfully attained, they are also invalid since risk is involved.

Chapter

Gharar

Examples of gharar:

the sale of a runaway slave

the sale of a bird in the sky

the sale of unborn offspring

It has been narrated in Al Bukhaaree and Muslim that the prophet (may Allaah send salutations upon him) forbade *habl al halaba* which has been defined as the offspring of offspring.

It has been narrated in Muslim that *habl al halaba* is the deadline of a trade agreement.

It has been said that *habl al halaba* is the yield of the grape tree which has yet to reach fruition.

Ibn 'Umar has said that *habl al halaba* is the deadline of a trade agreement.

Maalik, Ash Shaafi'ee, and Ahmad have said that *habl al halaba* is the offspring of offspring. Similarly, Aboo Hurayra has narrated that the prophet (may Allaah send salutations upon him) forbade the sale of *madaameen* and *malaqeeh*. Narrated by At Tabaraanee.

Aboo 'Ubayd has said: *malaqeeh* are embryos and *madaameen* is the sperm of animals.

The prophet (may Allaah send salutations upon him) forbade the sale of unborn camels. Narrated by Al Bayhaqee.

Aboo Hurayra has narrated that the messenger of Allaah (may Allaah send salutations upon him) forbade *mulaamasa* and *munaabadha*. Narrated by Al Bukhaaree and Muslim.

Muslim has added the following: *mulaamasa* is when two men feel each others fabric without examining the product, and *munaabadha* is when two

men throw their fabric at each other without looking at the product.

Aboo Sa'eed has said: the messenger of Allaah (may Allaah send salutations upon him) forbade mulaamasa and munaabadha. In terms of trade, mulaamasa is where a man touches fabric without examining the product, and munaabadha is where two men throw fabric at each other without looking at the product. Narrated by Al Bukhaaree and Muslim.

Chapter

The sale of items such as carrots which emerge from the earth does not entail gharar, because they are partially visible. However, even if their sale did entail gharar, it would be minor since they are vital. As a result, gharar does not always warrant prohibition. Rather, it does not impede the validity of a contract when it is minor or unavoidable.

As for large fields, the items which lie therein can only be sold as is. Consequently, difficulty and financial ruin would be imposed if it were stipulated that they be withdrawn at once. This would also apply if it were stipulated that these items be withdrawn gradually. In fact, this transaction would be counterproductive for both parties.

Chapter

The sale of musk within a pod does not entail gharar, because it is similar to a coconut. In fact, one should say that musk is protected by the pod rather than saying that such a sale is deceptive.

Those who have forbade the sale of musk within a pod have compared it to milk within the udder, though both items are clearly distinct.

Ibn 'Abbaas has narrated that the messenger of Allaah (may Allaah send salutations upon him) forbade the sale of wool upon the back and milk within the udder. Narrated by At Tabaraanee.

Chapter

Our teacher has said: if one rents an animal which yields milk while the owner feeds it, the transaction is lawful. However, if the person renting the animal must feed and maintain it in order to obtain milk, he is like one renting trees. Whereas, if the owner of the animal feeds it while the other party receives a certain amount of milk, the transaction is a sale. It is also a sale if the other party receives milk unrestrictedly.

In reality, it is the sale of an item which may or may not exist which entails gharar. As a result, such a sale is unlawful since it is a gamble.

One may say: a lease does not apply to an item, but rather a utility. For this reason, one may not rent food or drink. Whereas, one may hire a woman to care for his child, and her milk is part and parcel. Consequently, it resembles well water which amasses while a house is rented.

The response: it has not been proven that a lease applies to utilities rather

than items. In fact, 'Umar rented the garden of Usayd Bin Hudayr for three years in order to pay his debt. To be precise, this garden contained date-palm trees which were rented for their produce.

'Umar is not known to have been challenged by the companions, and his view was chosen by Aboo Al Wafaa and our teacher.

In reality, you have nothing more than an analogy which states that items in general are akin to bread and water which may not be rented. However, this is a poor comparison, because once bread is consumed, it is no more. Whereas, milk and stagnant well water are incessant, hence they resemble utilities.

There are items which are incessant and those which are not. As for the former, they are not depleted. Consequently, a medium exists between items and utilities which must be considered when making a comparison.

The employment of a caretaker has been mentioned in the following verse: **{if they nurse your children, give them their wages}** [At Talaq/6].

﴿فَإِنْ أَرْضَعْنَ لَكُمْ فَآؤُهُنَّ أَجُورُهُنَّ وَأَنْزِعُوا إِلَيْتِكُمْ﴾ [الطلاق:6]

Our teacher has said: some have been lead to believe that a lease applies to utilities only, but this is not the case. Rather, a lease applies to anything which is provided without being depleted, whether it be an item or a utility.

One must observe a contract without breaking the law, and only Allaah and his messenger can prohibit a condition. As for those who say that a lease applies to utilities only, their only evidence is a poor analogy. Whereas, the analogy of their opponents is more accurate.

Those who deny that a lease applies to items have said: this lease entails that the caretaker provide her breast and lap only, but the milk is part and parcel.

Anyone who is sensible knows that this is not the case. Rather, if a caretaker nursed a child in a cradle, she would still deserve her wages. Furthermore, if it were only her breast which were sought, then any woman with breasts would be hired, even if she were not lactating.

Harb Al Kirmaanee has said the following in his book of issues: Sa'eed Bin Mansoor, 'Abbaad Ibn 'Abbaad, Hishaam Bin 'Urwa, and his father have narrated that Usayd Bin Hudayr died leaving a debt of 6, 000 dirhams. As a result, 'Umar Bin Al Khattaab called his creditors and rented them his land for two years.

To be precise, trees were rented for their fruits, and this transaction was not at variance with consensus. In fact, the opposite could be said since 'Umar was witnessed by the ansaar and muhaajiroon and was not challenged.

Chapter

Three views have been adopted regarding milk within the udder:

1. Milk within the udder may not be sold or rented, and this was the view of Aboo Haneefa and Ash Shaafi'ee.
2. Milk within the udder may be sold and rented.
3. Milk within the udder may only be rented, and this was the view of our teacher.

There are two narrations in this regard. Namely, Aboo Ishaaq, 'Ikrima, and Ibn 'Abbaas have narrated that the messenger of Allaah (may Allaah send salutations upon him) forbade the sale of wool upon the back and milk within the udder. Narrated by Al Bayhaqee.

Ibn Maaja has relayed that Hishaam Bin 'Ammar, Haatim Bin Ismaa'eel, Juhdam Ibn 'Abdillaah Al Yamaanee, Muhammad Bin Ibraaheem Al Baahilee, Muhammad Bin Zayd Al 'Abdee, and Shahr Bin Hawshab have narrated that Aboo Sa'eed Al Khudree has said: the messenger of Allaah (may Allaah send salutations upon him) forbade the purchase of unborn livestock, unweighed and unmeasured milk within the udder, a runaway slave, undivided spoils of war, unreceived charity, and the single drop of a net.

To begin, this isnaad is unreliable. In addition, the sale of malaaqeeh and madaameen is unlawful which indicates that the sale of unborn livestock is unlawful as well. As for the sale of a runaway slave, it is a well known fact that this transaction is unlawful since it entails gharar. As for the sale of undivided spoils of war, it is unlawful since one may not sell what he does not have. For this reason, one may not purchase unreceived charity. As for the single drop of a net, it is a clear example of gharar.

Chapter

As for the sale of wool upon the back, if the narration which prohibits it is reliable, it would have to be upheld. As for Ahmad, narrations vary. As a result, some of which state that he forbade this sale while others of which state that he allowed it if the wool were immediately sheared.

Those who forbade the sale of wool upon the back have compared it to the limbs of the animal. However, this is a poor comparison, because they could not be delivered without harm.

One may ask: what is the difference between milk within the udder and wool upon the back?

The response: the property of the owner and buyer mixes quickly within the utter, because milk is incessant unlike wool, and Allaah knows best.

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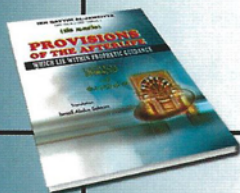
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PROVISIONS OF THE AFTERLIFE WHICH LIE WITHIN PROPHETIC GUIDANCE

The title of this book is Provisions Of The Afterlife which implies that it contains what a traveler requires during his lifelong journey. For this reason, it illustrates the guidance of The Chosen One (may Allaah send salutations upon him). In fact, the account which it provides is quite comprehensive.

The legal value of Provisions Of The Afterlife also deserves mention. Namely, it is a valuable source of advanced fiqh, and the arguments which lie therein are highly impressive. However, this is only natural since the author was an absolute mujtahid.

Provisions Of The Afterlife is a gem whose value is even greater in the English speaking world. With that being said, may this work be a blessed one.

Ismail Abdus Salaam

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